IMT Nuremberg Archives

H – 1027

International Court of Justice

1530-57

H1027-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

4 July 1946

COMMISSIONER:

Mr. I. V. Rasumov

THE O. K. W.

(THE COMMISSION CONVENED AT 1010 HOURS.)

GENERAL ERICH VON MANSTEIN, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

I believe we can resume with the witness now. Dr. Laternser, please.

DIRECT EXAMINATION - Continued

BY DR. LATERNSER:

Q How was the administration of the captured Polish territory taken care of?

A There was originally a military administration planned for Poland. However, immediately after its capture a Government General was started, under Frank. It was evident that Hitler did not consider us generals able to administer that country according to his wishes and according to his ideas.

Q And now a question concerning a continuance of the war. Were the high military leaders consulted concerning a continuation of the war?

A No. Field Marshal Rundstedt was never asked and all we received were already finished orders concerning the war in the West even though it was quite evident that the OKW was against any such continuance of the war.

H1027 - 0003

DR. KEMPNER: Mr. Commissioner, I object against this continued delaying of these hearings. We had the General Field Marshal von Rundstedt for two days. This witness should not be allowed to tell from hearsay or otherwise what General Rundstedt could tell directly.

DR. LATERNSER: My question was, were the higher military leaders consulted before the continuance of the war in the West. I believe that this question is absolutely relevant and should be considered correct.

MR. RASUMOV: All right, defense counsel may proceed.

Q Did military leaders make any suggestions concerning the continuance of the war or concerning any particular campaigns in the West?

A Virtually all military leaders gave their opinion against such a western offensive. However, they did give purely operational suggestions after the order had already been issued.

Q What was the reason for the speech of the 23rd of November 1939 by Hitler? What was the impression that you received?

A Hitler in that speech wanted to tell us that the western offensive was absolutely necessary. He also wanted to impress upon us that this offensive would be successful. Otherwise the entire speech was just one attack against the generals and especially against the OKH. He told us that we had constantly been incorrect and that our chivalrous way of warfare was outmoded as was shown by the eastern campaign in Poland. In addition he stated that he was completely in the right since if he could not come to peace with England it was absolutely necessary that a western campaign be carried out. The result also was that the OKH could not and did not have any more influence whatsoever upon him.

COLONEL KAREV: I do not think that we have to concern ourselves with this as it is really irrelevant whether or not the idea of Hitler 2

H1027-0004

was a success or not.

MR. RASUMOV: I think the prosecution is perfectly right. We should not put in general questions.

Q In France you led a Corps, didn't you?

A Yes.

Q How was the war carried out on the German side?

A The war in France was carried out by the Germans absolutely according to International rights.

Q What was the impression of the military leaders concerning the situation after the collapse of France. What suggestions did they make?

A At that time we thought that the war would be ended very soon due to an agreement with England and the OKH already had started plans for demobilization. We, that is the higher military leaders, including myself, were asked by the personnel office whether or not we wanted to retire after peace. After it became evident very soon that it was impossible to come to a political agreement we military leaders considered it necessary to make a landing in England in order to finish the war.

COLONEL KAREV: The witness stated before that he was not asked concerning the carrying out or the actions of the war and I don't see why we have to hear it now.

DR. LATERNSER: The witness mentioned the suggestions which were made by the high military leaders at the end of the western campaign. It is only too evident through the answer of this witness that the military leaders at that time did not know of the plan to attack Russia and also did not count on such an attack. For that reason I think that the statements of the witness are absolutely necessary in this case.

H1027-0005

MR. RASUMOV: I think this question may be answered by the witness.

Q During the Russian Offensive you led an armored corps. When did you hear of the Russian plan?

A Until the 1st of March I was in the channel coast. Then I was sent to Westphalia to organize a new general command. In April we were transferred to Silesia in order to supervise the training of armored replacements in the Reich. In May or the beginning of June the General Command was moved to East Prussia and was at that time told to start reconnaissance work for possible attack on Russia. That is the first time I heard anything about an attack on Russia.

Q What was your attitude to the question of war against Russia?

A I knew the Red Army. I had been a guest at Red Army maneuvers twice. We high military leaders never even thought of a war against Russia. However, as time went by, it became more and more evident that the Russians were collecting division upon division of infantry and armored troops on the frontier and it was only a matter of time, we thought, until the Russians would start attack upon Germany. We therefore considered it absolutely necessary that a preventive attack be initiated. Since Hitler did not try to land in England this was, without a doubt, his last escape route.

Q Were you present during any of Hitler's speeches and conferences?

A No.

COLONEL KAREV: How does the witness know what thoughts, what ideas Hitler had at that time? The witness at that time did not have a very high post and was only a corps leader.

H1027 - 0006

MR. RASUMOV: I did not quite hear the translation. Could you give it once more please?

COLONEL KAREV: How could the witness at that time know the ideas and thoughts of Hitler? He was at that time only a Corps Leader.

DR. LATERNSER: Is that not a question that should be asked during the cross-examination?

MR. RASUMOV: All right, go on, Dr. Laternser.

BY DR. LATERNSER:

Q Was there ever a meeting of the group, and that is the charge of the Prosecution, was there ever such a meeting during which ideas were considered as to how the war could be carried out against the rights of humanity and against the rules and regulations of modern warfare?

A No, there never was any such conference. It would have been against all our education. Such idea could never be suggested by a soldier but rather by a politician who is fighting for some particular political view.

Q Would not the soldier himself suffer under a thing like that?

A It is the soldier who, through his experiences, formed the International rules and regulations of warfare, it was not the lawyer. It is the soldier who suffers under any such new ideas and it is therefore impossible that a soldier should suggest such an idea.

Q Did you, during the campaigns in Poland or France, notice any measures against the International Rights and Laws of Humanity?

A I know of two cases. One, a captain of the cavalry together with some party members had raped some Jewish woman. He was later on sentenced to death. A reserve officer had taken quite a bit of jewelry and by Courts Martial he was sentenced to a long prison term. However, my commander-in-chief recalled that sentence and demanded a death sentence.

COM. A.
Take 1 - 6
LESSER
4 July
Manstein

H1027 - 0007

Q How was the form of combat in the Russian campaign?

A The fighting in the Russian Campaign increased and became more severe, to the sorrow of the soldiers. One reason for that was that the two ideologies of the nations were brought into this combat and it is well known that two nations that are opposing each other ideologically, such as, in former centuries, religious wars, are fought much harder than wars just between soldiers. Secondly, there is no doubt that our soldiers did carry out some reprisals at times when they found maimed German wounded. I want to point out that in those years every soldier considered that if he should fall into the hands of the enemy it would mean his death. This is the result if a war is fought according to political ideologies.

Q How did the tactics of Stalin and Hitler influence this warfare and what kind of tactic was that?

A Stalin in 1941 demanded of his troops and of his people that they fight for every foot of the country. Hitler took that idea and made it the basic thought of his leadership. It is quite evident that if the soldier has to fight for every village that these villages will be destroyed and that the battle will be more and more severe.

Q Did the commanders and military leaders admit or support any excessive measures during combat?

A The actions against any such excessive measures by the soldiers against the population was hindered due to the well- known order of the Fuehrer. But in fact we military leaders did not support or admit any such excessive measures to be carried out. I for instance, as commander-in-chief of a Corps, right at the beginning of the campaign approved two death sentences against two German soldiers who had raped a Russian woman.

COM. A.
Take 1 - 7
LESSER
4 July
Manstein

H1027 - 0008

Q How was the Court Marshal system handled. Was there any influence upon these Courts due to higher orders?

A At the beginning of the Russian Campaign the OKH issued an order, against the wish of Hitler, in which it stated that the military court martial system was to be maintained, and that is how it was handled.

Q How about the limitations due to orders from higher ~~headquarters~~ authorities concerning these courts?

A We were very much limited due to the fact that the Air Force, the SS, the Organization Todt, and the Police were not under our Courts Martial jurisdiction.

Q Was the order, according to which no excessive measures carried out during the partisan actions were ~~xxx~~ to be punished, of very great influence?

A I did not have any partisan actions in my area in the Ukraine but I am sure that the military leaders, in order to keep up discipline, did not admit any such excessive measures against the population even though they officially were not supposed to be punished.

Q What do you know concerning the Commissar Decree?

A I received this order concerning the treatment of Commissars in Eastern Prussia. I then reported ~~it~~ to the Commander-in-Chief of the Army Group, von Leeb, that I could not carry out such an order as a soldier. He quietly heard all my protests and in that way told me that he approved of my idea. I reported the same thing to the commander-in-chief of the Armored Group, Colonel General Hoeppner and also to the commander-in-chief of one of the neighboring army ~~x~~ corps, General Reinhardt. He told us that he would protest against this order and see to it that it was rescinded. However, he did not have any results. I did not pass on this order since at

H1027 - 0009

that time no armored divisions were under my command. All the armored divisions in my Corps were still within the Reich. This order was not carried out in my area. I did not hear of a single report of any shootings of commissars. My division commanders knew my attitude.

Q In other words the Commissar Order was practically not carried out in your area?

A It was practically not carried out because the troops did not take the time and did not want to do it, that is, to sort out the commissars from the other Russians. Secondly, there were no commissars actually captured. They fought until the very last moment and at times committed suicide when the situation became impossible or they removed their insignia of political commissars before their capture and therefore were not recognizable as such.

Q What known military leaders of that group, as it is called, had the same attitude as you?

A I have already mentioned General Reinhardt. Then I can think of other commanding generals that were under my command in the Crimea, General Hansen, General Frederbiko, General Mattenklot. I also know of a General Naehring who was under my command later on. In fact I have not met any general officer that told me that the Commissar Order was carried out in his area.

Q Now I have a few questions concerning the treatment of prisoners of war. What was the attitude of the military leaders concerning the question of treatment of prisoners of war?

A Every soldier treated every prisoner of war in a soldierly, correct manner, since he too could come to the same position. The military leaders always saw to it that the prisoners were treated decently and according to the Geneva Convention.

8

H1027 - 0010

Q Did you ever issue an order or support an order saying that enemy soldiers that wanted to surrender were to receive no pardon?

A No, we never issued any such orders, even though we continually ~~xkxx~~ captured Russians yelling "Kill all Occupees" that is all "Germans." However, it is possible that German soldiers did murder or kill enemy soldiers during battle when they were made for vengeance after they had found murdered German soldiers.

Q How was the organization of the collection, the transportation to the rear, and the food for these prisoners?

A The troops up in the front line usually did not have any time to concern themselves with these prisoners of war and they just sent them to the rear. They were collected in the rear in collection camps and then handed over to the main camps which were under the command of the OKW. In the meantime we did everything to give them food and so on. I remember, for instance, that in Sinveropol, on the Crimean Peninsula, we permitted the population to bring food to the prisoners since it is usually very hard to provide for hundreds of thousands of prisoners of war.

Q The Prosecution claims that every prisoner of war that could not go on was shot. Is that claim correct?

A I saw many columns of prisoners of war but I never saw that on the trail of these columns there were any shot prisoners of war. One time as I passed a column of prisoners of war, by car, I saw a German soldier hitting a prisoner of war. I immediately stopped the car and severely punished the soldier. The next day I had his battalion commander report to me and I told him that I would chase him to the devil if something like that happened once again.

H1027 - 0011

Q Were there any prisoners of war that stayed with the army and for what reason?

A We kept large numbers of prisoners of war within the army area to repair streets, railroads, and above all to do repair work on our vehicles. These were treated and provided for very well and for that reason they always worked very well. When I took over the Armored Corps Don in November 1942 and my headquarters staff had not yet arrived, I had a corps of 10 Cossacks in my home for a while, which proved that we must have treated these men very well.

Q How large was the number of H.W.'s, that is, people who wanted to help, and in what manner were they treated?

A These people were volunteers that worked on our side on vehicles, horses, and so on. Finally there were about one to two thousand of such volunteers with every division. The entire German supply columns had one German non-com and all the rest were volunteers. These volunteers also went with us in our retreats since they always had been treated very well as soldiers.

Q How was the attitude of the military leader to the work of the administration of an occupied territory?

A We wanted to treat the population correctly and humanely. There were no such ideas as master race, racial class, or political propaganda. Of course we had to see to it that the area remained quiet and for that reason had to see to correct treatment and sufficient food. I had constant anxiousness concerning the providing for the civilian population during the winter of 1941-42 on the Crimea and even though the supply problem of the army was very difficult we prevented a starvation. That is why we never had any

H1027 - 0012

partisan actions in the military administered areas of the Ukraine.

Q What was the basis for the rules of administration of these occupied territories?

A Hitler's idea was without a doubt to give the soldiers as little influence as possible. Poland became a Government General immediately. In the West military administrative leaders were named. However they were not under the command of the commanders-in-chief. In the East, Reichs Commissars and political administrations were introduced. Under our command was only the operational area, in other words, just the battle area itself. As we started to retreat from Russia this area slowly became smaller and smaller until it finally was a strip of 10 kilometers behind the front line. All the rest was under political administration.

Q How far did the influence of the commanders-in-chief go in these operational areas?

A Practically the military leader was limited to actual combat on the line and for the security of the area that he was fighting in. Besides that we had to take care, within this area, of the local administrations and see to it that the harvest was brought in in fall and spring. Everything else was outside of our scope. The political question of the population was under the Reichsfuehrer-SS. All political points or all political directions came from the Office Rosenberg. The economic administration was under Goering. The cultural safeguarding and the safeguarding of treasures was under Rosenberg. Resettlement was under the command of Himmler.

Q And the workers?

A The workers were under Sauckel. As I stated already, as far as

H1027 - 0013

military units are concerned, the only units that were in direct demand for operational use were the armed units of the army. The Air Force was completely independent. The SS was only under our command for tactical use. The Organization Todt, the Police, and the railroads were not under our command at all.

Q Did the Commander-in-Chief of an Army Group have the necessary time to concern himself with occupation matters.

A I just want to say that as long as I was in Russia I was completely occupied by leading the fight. One crisis followed the other. There was no time at all for occupation matters such as they exist with an occupation army.

Q Now a few questions concerning the treatment of the civil population.

MR. RASUMOV: How many more questions have you, Dr. Laternser?

DR. LATERNSER: I don't know, Mr. Commissioner, but I will be finished for sure by noon.

MR. RASUMOV: Have you an approximate idea of how long you will continue to be questioning him?

DR. LATERNSER: I was told by Colonel Neave that I should be finished by this evening. I will attempt to keep this limitation.

DR. KEMPNER: I understood yesterday, before we talked about the length of this examination, that Dr. Laternser had in mind to finish his examination around noon. Now he has the same situation. He is finishing around noon and we have to press our cross-examination so that we do not have enough time to cross-examine. There were a lot of questions this whole morning which could have been answered in half the time if the witness would have been properly directed by the defense counsel.

12

COM. A.
Take 1 - 13
LESSER
4 July
Manstein

H1027 - 0014

DR. LATERNSER: I have kept an exact record of the time that was used, including the various objections, and I have up until now used 140 minutes on this witness, in other words, two hours and twenty minutes. Before we started the examination of this witness I stated that he was the most important witness of the accused organization and that I probably would not be finished within the three hours. I also suggested that all future witnesses would be questioned only very shortly and that I would consider it unfair if this time limit would be absolutely kept with this witness, especially since it has been overstepped very much by other witnesses of other organizations.

DR. KEMPNER: I don't like to argue about this point but last week we heard here that the witness von Rundstedt was the most important witness and we spent two days on him. Now this witness is the most important witness. Apparently all witnesses are the most important. We ourselves would like to make our point very clear that we do not like any further delay of these examinations.

DR. LATERNSER: You will have to admit that there could be two very important witnesses for the OKW and I already stated before the examination that I will keep my questions as short as possible.

COLONEL KAREV: There is a regulation or decision by the Tribunal that the defense should take only 3 hours for its witnesses. The witness answers in very great detail and sometimes answers questions that are not even asked and which are irrelevant. I want to point out that the witness did not have a very high position. However we are interested in him so far as he is one of the war criminals but we don't want to take too much time.

H1027 - 0015

MR. RASUMOV: Well, I have no intention of arguing here about the importance of the witness. The only thing which I want to say is that we are spending too much time on one witness and I would like you, Dr. Laternser, in your further examination, not to go very far into detail on the questions and to make your examination as short as possible.

DR. LATERNSER: Yes. May we take a ten minute recess at this time?

(A recess was taken.)

H1027 - 0016

(THE COMMISSION CONVENED AT 1135 HOURS.)

DIRECT EXAMINATION - CONTINUED.

BY DR. LATERNSER:

Q What was the attitude of the soldiers to the civilian population in the occupied countries, especially in Soviet Russia?

A Our attitude was, as I stated already, we wanted quietness in our area. We considered that this could be best achieved by human treatment of the civilian population.

Q You know of the order of General Reichenau, in which he stated that there should be no consideration shown to the civilian population or to the soldiers captured in his area. Did you see that order and did he have any influence whatsoever on your attitude and that of your troops with the civilian population?

A We were informed of this order upon the suggestion of the Fuehrer, but none of the other leaders were of the same opinion as Richenau and it was never carried out, especially in my area.

Q What was the system used after excessive measures by soldiers against the civilian population?

A Any kind of excessive measures were tried by regular court marshall. I am thinking of the two death sentences carried out in my corps, to which I have already referred.

Q Now, I have a few questions concerning the murder of Jews in the eastern territory. Did you know of the order of Himler concerning the extermination of Jews? Did you know of his opinion that thirty million Slavs must disappear?

H1027-0017

A No, I did not hear of either the order of Himmler or of his idea during the war.

Q What did you know of the duties of the SD Einsatzgroups?

A I was told when I took over the 11th Army, it was the duty of these SD Einsatzgroups to check the civilian population in the rear areas concerning their political ideas.

Q Did you work with the SD in the area of the armored corps where Hoeppner was commanding general?

A I did not see any SD men in my area. There was fighting going on and therefore no SD men ever came up there.

Q What do you say concerning the affidavit of the Witness Ohlendorf, who states that according to an order of Army High Command 2, Jews were only to be shot at 200 or 2½ kilometers away from army headquarters?

A Such an order was certainly not given. It would have been completely senseless. 2½ Kilometers away from my headquarters would have been senseless and 200 kilometers away would have been out of my area.

Q Do you have any explanation for this declaration of Ohlendorf?

A When I took over the 11th Army, I was about two or three days in the headquarters at Nikolawew, then I moved my command post to the front lines. The last evening at Nikolawew another officer told me that reportedly the SS had shot Jews in a town further to the rear. I believe it was Kishinew. I considered this to have been one excess of the SS as had already happened in Poland. Since I left for the front the next morning, I had a message given to the chief quarter master of the army. He was supposed to tell the commander

H1027 - 0018

of the SS in that vicinity, Where ever I was, I would not permit such activities. The strange thing is I considered this shooting of prisoners in Kishinew an excess measure by the SS and I did not think of it as an extermination of Jews. That is the only time I heard of anything concerning the shooting of Jews in my entire time as commander in chief.

Q Did you as commander in chief give orders to the SD?

A I did not give any orders to the SD and I cannot remember ever having seen or spoken to Ohlendorf. It is, however, possible that he reported to me on an occasion.

Q Did you see any reports of the SD?

A I did receive some reports of the SD, which contained information concerning the political attitude of the population, the black market and other matters. There was nothing in them concerning the shooting of Jews.

Q The Einsatzgroups D, which was in the area of the 11th Army, killed within one year, according to the witness, Ohlendorf, 90,000 Jews. How can you explain that? Did you ever hear of that?

A According to the witness, Ohlendorf, this Einsatzgroup concerned an area from Chernovitz to Rostov, which is approximately 1,200 killometers long and approximately 400 killometers wide. In that area there was not just the 11th Army, but three or four other armies; there were three or four Russian armies and also at times the 17th Army and others. In my section on the Crimea there was only a very few Jews. In the northern part of the Crimea there were Jewish villages, which already had been evacuated by the Russians when we got there. I hardly saw any Jews in the capitol in Simoevopol.

H1027-0019

Com. A.
Take 2-Pg. 4
Meehan
4 July
Manstein.

According to the reports we received a large part of the civilian Jewish population had flown across the sea from Kertsh and Simeevopol when we arrived. There were only very few security troops within a very large area, therefore, there were only troops in the most important spots. I, personally, almost always was in the battle area and during the year I had between twelve and thirteen command posts on the front. To the command post of mine came only, of course, the most important orders concerning the actual battle and we have very little information concerning what was going on in the areas of the other armies.

Ohlendorf also described how the shooting was camouflaged toward us by so-called resettlements. It was of course natural that if the SD did collect the Jews, they shot them in a lonely spot and buried them there and that the military groups would not have heard anything about it.

Q In other words you did not hear anything of the murder of Jews, with the exception of the before mentioned case in Kishinew?

A I did not receive any report from any office or organization concerning any such shootings.

Q The witness, Ohlendorf, also stated that army members participated in these shootings. Do you know anything about that?

A Ohlendorf himself stated that these men were army soldiers, but God knows what kind of soldiers, they were not members of my army.

Q The 11th Army, states the witness, Ohlendorf, received watches from the SD?

H1027 - 0020

A I remember that the army adjutant told me he received at one time a large shipment of watches from Germany and if he did receive watches from the SD, he could not have known by a long shot they were watches taken away from Jews that were shot.

Q You know of the Russian Document telling of the shooting at Sevastopol in the caves of Inkermann?

A It was without a doubt in the caves of Inkermann where large storage facilities and quite a bit of storage was placed, including ammunition and there were reports that there also was a Russian hospital. Without a doubt the population of Inkermann might have flown into these caves. These caves were blown up by the Russians even before the Germans got there. It was the largest blowing up I have ever seen. It was a wall of rock about 300 meters wide and about 30 meters high that crashed down.

Q The Russian prosecution maintains that the Germans murdered a lot of people in the Railroad terminals of Sevastopol?

A The Railroad terminal outside of Sevastopol was a Russian stronghold and in the terminal itself was a Russian Armored train. Since the Russians did not want to surrender the terminal, it had to be attacked and cleared out. That was done by artillery fire, by explosives and through the use of flame throwers against this armored train. We could not have known that civilians were in the terminal. We could not help that this terminal had to be cleared out, as there was considerable shooting from it.

Q Did you hear anything of the shooting of 195,000 persons at Kiew?

H1027 - 0021

A No, Kiew came into my area, that is the area of one of the armies under my command in September of 1943 and at that time there was no talk about these shootings. I also consider this number as completely impossible. I was in Kiew in September of 1943 and did not hear anything of any such matters.

Q What do you know of the poisoning of 250 school children in Kirch and also the drowning of 144,000 people, as maintained by the Russian Prosecution, in the Black Sea?

A That a German officer would poison 250 children with coffee and cake is completely impossible and as far as the drownings are concerning, as long as I was on the Crimea there was not a sea worthy ship there. In addition to this, the Tarters were on this island and they were very friendly to the Germans and we did not have any reason to drown a single one.

Q Were any workers brought to Germany from the areas under your command? Who was responsible for that?

A When I was commander in chief of army group south in 1934 and 1944, Sauckel wanted several hundred thousand workers from us. We fought against this measure since we needed these men for agriculture work and since any such transfer would result in partisan warfare by the population, I told Sauckel that any forceful measures were completely impossible. They also did not happen in the occupied areas, but I did hear of them from the Reichs Commander's office. He told me he was an enemy of using any kind of force to get these workers, also the administration denied any such measures. Sauckel also stated and promised that the workers would be treated in Germany just

H1027-0022

like German workers.

Q What were the basic principles in the German army concerning requisitions?

A An individual person was not allowed to requisition anything, only the army or a troop was allowed to do that. It was only allowed that food and clothing could be requisitioned from the civilian population. Food only to the extent that it was necessary for the basic rations.

Q Was there any actions against any kind of plundering?

DR. KEMPNER: I object to the last question. This question we have heard time and time again relative to the requisitioning and I think that is enough.

DR. LATERNSER: I don't consider the answer to this question as necessary.

DR. LATERNSER:

Q What stores did the Germans find in the Ukraine in 1941?

A We only found a very small fraction of the horses and domestic animals and a very large part of the wheat reserves in the wheat storage places had been fired.

Q Just to take one little example. The Soviet prosecution states that the Germans took seven million horses from the Russians. I wish you would give me your position concerning this.

A A German division has 4,000 horses, with seven million horses, you would take care of 750 divisions and we had about 150 to 200 infantry divisions altogether.

Q Did you hear of the idea of the scorched earth policy in the Russian campaign?

H1027 - 0023

Com. A.
Take 2 Pg. 8
Meehan
4 July
Manstein.

A We heard of the term scorched earth campaign during the Russian retreat to the east in 1941. Everything was destroyed that could be of any military value to us. All railroad and communication matters, a majority of the war industries, the wheat reserves, etc., had been burned and I already mentioned that.

Q Why did the Germans carry out large destruction and to what end?

A I heard and know of no large scale destruction by the German army, The Fuehrer had given an order to keep the area east of the Dnyeper impossible for use by the Russian army and there were exact instructions as to what had to be destroyed.

Q Do you consider that this order was necessitated by military need?

A This order was a military necessity due to the fact that we could not prevent the Russian offensive across the Dnyeper, therefore, the complete break down of our eastern front would result unless we could bring the Russian offensive to a stop through lack of supplies.

Q Was it necessary to destroy 46,000 railroad stations and 36,000 post office and telegraph offices?

A We did not find a single railroad station undestroyed in 1941 and the water stops of the Russian Railroads were not even taken care of in 1943. We did not find a single communication system intact. In other words, we did not have to destroy them.

Q Why were hundreds of churches destroyed?

A The churches were destroyed without a doubt due to the fact that they were actions of battles within the villages. For instance, that is the case with all churches in Sevastopol. For instance, the cathedral in

22

H1027 – 0024

Com. A.
Take 2-Pg. 9
Meehan
4 July
Manstein.

Novcherkask was completely in tact when we got there and was opened for services. That was the case with the Castle of the Crimea at Livadia and also at Baktschisserai. I saw with sorrow myself that the Larva monastery in Kiew was destroyed, a monastery I had known from the year of 1930.

Q How can you explain the heavy destruction in Stalingrad, Kiev, Charkov, Rostov, Oddessa, Sevastopol and Rovno? These are all accusaations by the prosecution.

A There was fighting in Stalingrad for a month from house to house, Sevastopol was defended as a fortress for eight months, Rostov and Charkov were taken twice by the Russians and twice by the Germans in battle, In Kiev and Oddessa was the same thing only they were taken by each but once and the same thing happened in Oddessa Oronoff. Oddessa was captured by the Rumanians and not by us.

Q Who was responsible for the destruction of industries and why were they destroyed?

A The destruction of industries was ordered by the Economic Staff east, which was under Goering. This concerned factories, which were important for the armament industries of the Red Army.

Q Were these factories intact and were they used formerly by the Germans?

A No, most of them we found completely destroyed, such as the big oil works at Maikop, the large steel industries at Kertsh and Manopol and the tractor works at Charkov and the huge dam of Simoevopol. All these were destroyed when we found them.

H1027 – 0025

Q Was there any reason, in addition to the military necessity, which led to destruction?

A I stated already that the only possibility in 1943 to stop the Russians was to destroy all their lines of supply east of the Dnyeper. Considering that a commander in chief of an army group or of an army is not in a position to say that such destruction was necessary or not, we still limited the measure of destruction as far as possible. First of all, only the villages were destroyed on the banks of the Dnyeper which could have served as starting points for Russian offensives. If large destruction can be found, it is very easy to explain as there was fighting going on for every foot of the ground and therefore villages were destroyed.

Q I now come to the last questions. The murder of General Schleicher must have hit the army the same way as did later on the dismissal of Colonel General Von Fritsch. I ask you, Field Marshall, why did the Generals take all that?

A The Fuehrer in his speech to the Reichstag explained that Schleicher was killed because he conspired with the French Ambassador. Through that all our changes to protest in any way were taken away. I asked my commanding general at that time to ask Field Marshall Von Blomberg to press for a military court investigation and Blomberg answered that was impossible.

Hitler told us of the matter of Fritsch in such a way that we considered it impossible to do anything before the investigation, which Hitler ordered was completed. If Fritsch had registered a protest at that time, the Generals without a doubt would have followed him. He did not do that because he placed his own person in the background.

H1027-0026

Com. A.
Take 2-Pg. 11
Meehan
4 July
Manstein.

Q The Fuehrer gave before the start of various campaigns, speeches to the commanders in chief in which he gave his intentions. Why was there never any contradictions?

A These meetings were just a demonstration of his intentions and his plans, which he had already made and any kind of discussion was usually impossible, also these speeches of his cannot be considered on the scale of his speeches to the people. They were on a very high level and the minutes do not capture that at all. One could not in any way argue concerning his reasons as we did not have the specific information concerning the economic and industrial work being done. I believe I was the only one that ever interrupted him during such a speech. It was in the year of 1944. There was a very big fight with him concerning that.

Q When you became commander in chief of the army group in 1943, Hitler was your immediate superior, was he not? You and all other general staff officers in your position thereby had the possibility of going directly to Hitler. You could make a protest could you not, when an order was not considered correct?

A Certainly, I wrote a tremendous amount of letters to him concerning military matters, that is a big volume, but it was very hard to speak to him because I could not leave the front for a long time and it was only possible for me to have him come to me twice. If one notified him, he would come, but one also had to tell why he was coming. He then had all the counter arguments ready and proved to the person either your protest or economical points were incorrect. These discussions very often took hours. I once had to speak to him for six hours concerning a purely military

H1027-0027

matter until he accepted my program. I attempted to get him to give up his military leadership three times without results, because he thought he was the only one that could do it. He told me that the Field Marshalls were not even following his orders and I would even be less successful. When I told him that I believed I could have my orders carried out, he interrupted the discussion. He could not be convinced of anything if he did not want to be. He was a very smart person with an iron will that was unbreakable and he considered himself to be on some special mission and that was something which held him over all these protests.

Q And if a military leader, during such a discussion, dared to talk on a political matter what was the answer?

A He did not permit any kind of discussion on this, he cut that off immediately.

Q If these protests did not help anything, why did not more military leaders retire?

A During the winter of 1941, I told Hitler through the commanding general of the army group that I, as commander of the 11th Army, would like to be relieved of my post and he should put someone else in my position since he constantly interfered in my orders. The answer came back that retirement was out of the question and that it would be desertion. That is correct because the man in the trench cannot go home, therefore, the higher leader cannot go home right away. In addition to that such retirement of a general officer would only mean he was shirking his responsibility and

H1027 – 0028

his successor would have to carry on anyhow. In other words, the successor would just receive the responsibility of the one who went away. In addition to that, one had the responsibility to his unit. It might not sound very well, but I want to say that if some other leader had come in these years of 1943 or 1944, I don't think he could have done it any better. If another leader came in those years, the matter might have been even worse than during my command, therefore, the responsibility to my men kept me in my position . The retirement of a large group of officers would have only resulted in the putting in of SS leaders. Hitler anyway would never have been forced into any decision by the retirement of a great number of Field Marshalls and maybe he would have been glad to get rid of us.

Q Would it have been the duty of your conscience not to carry out certain orders?

A Definitely there was such a moral duty at times, however, if a soldier in the field refuses to carry out a certain order, he is tried before a court marshall and punished, however, if a high military leader refuses to carry out such an order he not only endangers his own integrity, but also that of the entire army leadership and he aids in the complete breakdown of the entire army disciplince and entire army as such.

Q Was there no idea among the higher leaders that the regime had to be removed?

A I want to state that the idea that a different regine coming into power did occur within our leadership due to the fact that Hitler's military

H1027 – 0029

leadership was insufficient and the moral reasons as we have them today, the persecution of the churches, the concentration camps, the extermination of the Jews and the political views, however, these matters did not occur to us at that time. As I was a few hundred miles from home, I did not hear of them. On the other hand, how were we to remove the regime? Hitler never could have been persuaded to retire. Even if the army could have accomplished that, there would have been a fight immediately within the air corps, the navy, the SS. To over power Hitler and lock him up was impossible. He was guarded much too well for that. The only thing that remained was the way of force and that was his murder, however, murder as it would be carried out by an officer was not in our dictionary and much less would we break our oath.

Q On the 20th of July there were some Generals that did attempt to over throw the Government. Why were there not a larger number of military leaders that supported this?

DR. KEMPNER: I don't object to this question, however, I would like to make very clear the position of our prosecution. The defense was admonished quite severely yesterday to cut down the questions, so that we would have a chance to begin the prosecution this morning. Now, the question is whether we should consider the matter as a contempt of court or going beyond that. We have the impression that there is a deliberate delay for

H1027 - 0030

reasons unknown as yet. I would like to make that very clear to the court.

DR. LATERNSER: I leave the decision to the court.

MR. RASUMOV: As a matter of fact, about twenty minutes ago Dr. Laternser told us it was going to be the last question and we are still discussing this question. I wonder what is going to beecalled the last question. We cannot spend too much time on this witness. We have to stop the Direct Examination right now and begin our cross examination.

DR. LATERNSER: I believe that there was a wrong translation. I said I am going now to the last questions, I meant the last chapter. I am now at the last question, which the witness only has to answer.

MR. RASUMOV: Is this the last question?

DR. LATERNSER: Yes, my last question.

THE WITNESS: The officers that attempted to over throw Hitler on July 20th did not have an order or field of command on the front. The commander in chief that is on the front cannot make a putsch during the war, as this putsch would have led to the breakdown of the front. One cannot expect an officer or commanding general to expect his troops to give their lives for years on a front and then he personally goes and throws his weapons away. Even if the 20th of July attempt had been successful, it would have been unavoidable that civil war and xxxx chaotic conditions would have broken out in Germany. I want to point out that the soldiers of the central German army near Stalingrad, according to the letters that did come through finally, believed in Hitler to the very last moment. A putsch of the Generals would have brought with it a complete breakdown

H1027 - 0031

of the entire front and with it a complete defeat. Since from the conference of Casa Blanca we knew that only unconditional surrender was open to us. One could not expect a general officer to hand to the German people such a fate as the German people are living through now. We would have been responsible for this defeat in the history of the world. An officer can only fight, obey his orders, be loyal and the more critical the situation, the more he has to carry on.

DR. LATERNSER: I have no further questions.

CROSS EXAMINATION.

BY DR. KEMPNER:

Q Where were you born?

A In Berlin.

Q How long are you in the army?

A I entered the army in 1906, in other words I am a soldier for 40 years.

Q You have had a lot of great experiences?

A Yes.

Q How long was Hitler in the army?

A I believe he was in the army from 1915 to 1918, in other words for three years.

Q How long was he at the War Academy?

A It is well known that he was not at the Academy.

Q I ask you, was he or was he not?

A No, he was in no War Academy.

H1027 - 0032

Q Why did you let this private, or this P.F.C. talk to you of strategy - a man that did not have any experience or any knowledge?

A Hitler was legally the chief of the Reich and also the commander in chief of the armed forces.

Q And you, who were educated accocding to the ideas of Schliefen and Moltke, let someone like that tell you your business? Answer yes or no?

A I did not let a Private First Class give me orders, but it was the president of the state.

Q You believe that you would have let Reichs Minister Ebert tell you something like that? Answer yes or no.

A Yes.

Q With whom did you speak concerning the matters we are talking about today, General Rundstedt?

A I hardly spoke to General Rundstedt because he had a very bad disposition.

Q But, you did speak to him?

A He only told me shortly what was asked of him.

Q He also told you what he testified?

A No, in detail.

Q But in large ideas?

A No, he only described some especially interesting moments.

Q The high-points, is that right?

A Less than the high-points, but points where he became angry or points where he thought he made some kind of an impression through his answers.

H1027-0033

Q General Von Leib, did you talk with him concerning the actions here? Answer yes or no?

A He told me very shortly what you were talking about up here.

Q And Colonel General Reinhardt, he told you about that?

A I hardly spoke to General Reinhardt about that.

Q Not much, but some?

A He gave me his impressions.

Q Then you also spoke to General Westphal?

A Yes.

Q Very much in detail?

A I could not say, I don't need any advice from others.

Q But, you heard what these gentlemen were talking about or told you?

A Of course, I did hear with interest their conception of this court room.

COMMISSIONER NEAVE: I should like to draw attention to the fact that according to the three hour ruling on the hearings of witnesses recently passed, witnesses for the General Staff should be finished by this evening at the latest.

COMMISSION RASUMOV. We will recess until two o'clock.

(THE COMMISSION RECESSED AT 1310 HOURS.)

****

H1027 - 0034

(The hearing reconvened at 1400 hours, 4 July 1946)

VON MANNSTEIN - Resumed
CROSS EXAMINATION - Continued.

MR. TAYLOR: Let the witness be reminded he is still under oath.

Gentlemen, you have, I understand, to cross examine this witness and two more to complete this afternoon, I was told and I hope we can do it before the afternoon session closes. Proceed please.

BY DR. KEMPNER:

Q WHen did you realize that the war was lost?

A I did not believe that the war was lost as long as I was commander in chief, that is, about April, 1944, but I did realize, however, that a peace could not be forced according to the aspirations that Hitler had in mind. I had hoped however that we would be able to come to some sort of an agreement, especially as far as peace was concerned.

Q My question was when did you realize that the war was lost?

A I could not have formed any opinion concerning this because I did not have the necessary material at my disposal, especially after I left, as I was ill, but I might say at the beginning of 1945, I realized that the war could be lost.

H1027 - 0035

Q You did not think previously that the war had been lost?

A No.

Q You did not know that other generals did know it?

A It may be that the other generals were of that opinion.

Q And you considered it right to fight after the conference at Casa Blanca?

A Yes, because I saw no possibility of avoiding any catastrophy such as has happened now, unless one kept on fighting until the very last, because anything might have happened up to that time. There might have been a chagge in the war organ for instance. At the end of the seven years war that was shown.

Q That is about two hundred years ago, wasn't it in the 17th century?

A Yes, that was a fact.

Q Was Ludendorff a great war lord?

A Ludendorff was probably the best general we had.

Q Was he a traitor to the people?

A Surely not, no.

Q But when he realized the war was lost he did not continue. You can answer yes or no?

A He lost his nerve.

H1027 - 0036

Q And that saved Germany and the world from having many deaths? Yes or no ?

A That may be so.

Q Just now, a little while ago, we discussed the possibility of whether Hitler could be persuaded of a different opinion from his own?

A Yes, up to the point where he no longer wanted to be.

Q And you never thought that there might be a point where you would not want to continue?

A Such a point would have had to be a decisive question only and ~~xx~~ the difference existing between Hitler and myself were not of such a ~~xxxxxx~~ decisive question. Our ~~xxxxxx~~ differences were only concerning military leadership questions and I usually succeeded in what I wanted to obtain.

Q Did you tell the/~~xxxxxx~~ Fuehrer that he had been badly advised, did you tell him so straight to his face? Yes or no?

A I told him/~~xxxx~~ that he never listened to advice from those people whom he had about him to give him advice, at least not as far as military questions were concerned, and that he should appoint a general staff whose advice he could take.

Q Did you know of the affair connected with General Francoit in the first world war?

A Yes.

H1027 - 0037

Q Do you mean the disobedience in East Prussia?

A Yes.

Q Will you please read this?

A "The operations of the last ten days have shown that Your ~~Majjxxxxxxxxx~~ Majesty has been badly advised and I feel obliged to report to you."

Q Have you done anything similar in black or white so that you can prove it today?

A In about fifty or a hundred letters written to the Chief of the General Staff which were handed to Hitler I clearly expressed my ~~xxxxxxxxx~~ opinions different from his. I did not say in these letters I thought he was badly advised. I only said my opinions differed.

Q You admit that you did not draw any conclusion in so far as losing the war was concerned? Yes or no?

A I twice asked for my dismissal, once when I was Commander of the 11th Army in the Crimea in the winter of 1941 and 1942, and the second time when I was commander of the Army South in March of 1944, I succeeded in pressing my point and three days later he dismissed me.

Q You were trained in the tradition of the Prussian General Staff, is that correct?

A Yes.

Q Was that a special kind of tradition?

A It was a special military training, a training to obedience to duty and abstinence.

H1027 - 0038

Q And those were the two things that distinguished those gentlemen belonging to the Prussian army, wasn't it?

A No, these thoughts were the common possession of all officers in the Prussian army, but the especial distinction lay within the military activities, that is, it's assistants and helpers to the general staff.

Q Did you speak to Von Rundstedt, Lieb, Westphall, and Reinhardt, ~~Hitler, Goering, Rosenberg, Sauckel and Himmler~~ concerning these questions, concerning the especial question of the general staff?

A No.

Q Do you want to say this upon oath that you did not speak to these gentlemen concerning this point?

A Yes, of course, we discussed the position of the General Staff, but not particularly this point.

Q Or concerning the question that the general staff have at least a group among the officers?

A It was self-evident that it was in each group.

Q Do you know that Hitler, Goering, Rosenberg, Sauckel and Himmler committed terrible crimes, is that correct?

A I know that, what has now been brought out by the trial.

Q You mean at the time you did not know it?

A No.

H1027 - 0039

Q You had no idea?

A No.

Q Did you ever hear of the ~~xxxxxx~~ Jewish Persecution in Germany proper?

A In Germany itself I heard, of course, about the Jewish laws which had been passed and I also heard that during the war Jews had been imprisoned.

Q But you never heard that Jews were also locked up in 1933, 1934 and 1938?

A Yes, of course, I heard that Jews had been locked up already at that time but I don't know the number.

Q You knew of the anti-semitic program, didn't you?

A I knew that Hitler's Anti-Jewish program had been published, which pertained to the Nurnberg laws, but I did~~n't~~ not know such was true of the German nation.

Q You just heard of that now, is that it?

A Yes.

Q But never while you were in the East?

A No, I did not hear of it there.

Q Then you never spoke to any one about this?

A No, there was no reason to do so because I did not hear anything of it.

Q A witness said, however, in the main trial under oath that he did talk to you about these questions. Who is telling the truth now?

H1027 - 0040

A.XXX Will you please tell me who the witness was and let him speak to me? I don't know what the witness is supposed to have said.

Q The witness Ohlendorff said this.

A No, I did not speak to him about this question and as far as I know xxxxxxxxx he did not say or testify to such a thing.

Q Did you read the record of what Ohlendorff said?

A Yes.

Q Who gave you the record?

A My lawyer for the General Staff.

Q I will read to you what Ohlendorff said: On page 2048 of the English record Ohlendorf answered:

"A I don't remember any such order but while on the march an oral conversation took place xxx between Mannstein, the chief of staff, and myself."

A First of all, this is not what it says in the xx German record. In the second place I was never with Ohlendorof and the Chief of Staff at the same time on the march and in the third place what I did talk about with Ohlendorff was concerned with SD groups, but if this is what it does say in the record, then the record is incorrect.

DR. LATERNSER: The Prosecutor said that the English record would have to be authoritative one and the defense lawyer objected and said if the testimony was given in German the German would be authority, and

H1027 - 0041

I am having the German sent for.

DR. KEMPNER: Let's see what the German record says.

DR. TAYLOR: Of course, the record is presumed to be the original record and translation of the proceedings, and this being cross examination counsel does have a right to cross examine on that question. This is cross examination and whatever it is when your record comes in it should be presented.

BY DR. KEMPNER:

Q You testified previously that you had done everything for the population of Sinforopel as far as the food situation is concerned, is that correct?

A It was not necessary to much so far as Sinforopel was concerned, the starvation applied to Southern Crimea and we did everything to prevent it.

Q That is in Sinforopel everything was all right?

A That would be saying too much. A large city always suffers when any military stpps are taken, and in this case of the measures of the Russians to take food stuff away, but there was no starvation and famine in this winter.

Q Was there any Einsatzgruppe of the SD down there?

H1027 - 0042

A As far as the Commander of the Einsatzgruppe ~~ix~~ is concerned I don't know whether they were down there or not. I do know from Ohlendorff's testimony there were some in Miholajev, parties of the SD were there.

Q He did not testify anything concerning Sinforopel, did you read anything about that? Was there or was there not?

A I do know that in connection with the anti-partisan combat there were some SD people in the Jaila Mountains employed especially to bring information from the ~~xixxixxx~~ civilian population.

Q Do you know that the army told these Einsatzgruppes they were to liquidate the population more quickly because there were not enough houses and not enough to eat?

A No, and I am sure the testimony did not say this and we needed no room/~~xx~~ for the high command of the army. That would have been sheer nonsense.

Q And as far as you are concerned Ohlendorff lied for the second time? Yes or no?

A I do not know if any fool made this remark to Ohlendorff, but I am not responsible for what one of three hundred thousand of my men said. It was never in order at any rate.

Q Then you don't take responsibility for everything that happens in your army group, you believe in letting the small man sink?

H1027-0043

A I am not letting down the little man. I know that I as Commander do have to take the responsibility but I cannot take the responsibility for every little thing that some fool said.

Q You admit that there is a possibility that something of that sort was said?

A That could only have been said by someone who was insane. There was no housing difficulty in Dnjeropel.

Q Then those who liquidated the population behind your back were insane people? Yes or no?

A No, it has been proved that liquidation was actually carried out by the SD.

Q This man says it was done upon the order of the army?

A He did not say that the murder of the Jews was upon the order of the army?

Q I am not speaking of Jews and you know it very well?

A Of what are you speaking?

Q Of those people in your territory.

A These people were by no means liquidated upon our instructions or order or suggestion. I already said I don't know anything of their having been liquidated.

Q Then Ohlendorff told an untruth also in this case?

A Yes, he was mistaken or was deceived.

H1027 - 0044

Q Or you were perhaps mistaken or deceived?

A I don't believe so, but you can interrogate my chief of staff and my first officers and general staff on this point who is now in Nurnberg.

Q This morning you testified that such measures were not necessary in the Ukraine. Everything was quite in order and peaceful there.

A Yes, at the Eastern Ukraine, that was a part of the operational sector.

Q There were thirty-three thousand Jews liquidated here, what do you know about this?

A I know nothing about this for they were liquidated at a time when I had not yet arrived there, if they were liquidated at all.

Q Maybe they are still alive, is that true?

A Evidently not, I don't know.

Q Then where were you in September?

A Of what year?

Q We are now speaking of September 1941?

A In September, 1941, I was within a very short distance of the Northern sector of the Crimea.

Q But the Lugarian was the territory for which you were responsible, is that correct?

A No, that is not correct, for the entire territory West of Bug was under was under Roumania and east of the

H1027 - 0045

Steppes as far as was occupied, later on was under the command of the first armored division in my sector.

Q But this morning you testified quite a bit concerning the Ukraine and how quite and peaceful it was?

A Yes, that referred to 1942 and 1943 when I was Commander in Chief of the army group South.

Q Then these people were killed when either Roumania or the first army was responsible, is that correct?

A No, evidently they were killed when this entire land belonged to the Riech Commissar or to the Roumanians. I cannot know whether any were killed in the operational sectoros of other armies. In such a case the Commanders in Chief of these armies would have to be asked.

Q There were always others, is that correct?

A Yes, I cannot give any information, but the time I was in there is the time I will admit.

Q Who was the Reich Commissar of whom you are speaking?

A Koch.

Q And he was a murderer?

A I don't know whether he was a murderer or what part he played in these things as I did not speak to him about these questions.

H1027 – 0046

Q Why did you never complain about these crimes to Mr. Hitler.

A How am I to complain about criminals if I do not know that crime had been committed. If I had known of these crimes and had proof you may rest assured I would not have let matters rest as they were, but would have made a point of it.

Q You have only heard everything here, is that correct?

A Yes, I learned these things after the war, only here.

Q Was it a crime when your colleague Schleicher was murdered?

A That was probably a crime.

Q Did you tell this to your Fuehrer? Yes or no?

A No, I was a colonel at that time and had no possibility of such a thing. After Hitler declared Schleicher had to carry on with the French and after I knew all he said I approached Blomberg and tried to do something about it.

Q Hitler believed he had a mission, is that correct?

A Yes, that is the absolute impression I had gained of him.

H1027 - 0047

Q Did you also believe that Hitler had a definite mission?

A I did believe he was quite an exceptional personality as many abroad also believed and at first I believed he had some sort of mission he was to fulfill.

Q And the re-union of Austria, belonged to this, is that correct?

A Yes, of course, after Hitler was in there was the matter of Austria, and there was no doubt he did try to join his country to the Reich and it was the express will of the Austrian people despite the assertions of Renner and Innitzer today.

Q I am not interested in your personal opinions or concerning the personal opinions of Renner and Innitzer but what concerns me is that Hitler tried to join Austria to Germany and that was a part of Hitler's mission, is that correct? Yes or no?

A Yes, that fulfilled the wish of the Austrian people.

Q Are you of the Austrian people? Are you able to speak for the Austrian people? Yes or no?

A No, but I approved the entry in 1938.

Q Were you born in Vienna?

A No.

Q I am sorry. Were you born in Berlin?

A Yes.

H1027 - 0048

Q Hitler also wanted to incorporate Czecho Slovakia into Greater Germany, is that correct?

A We did not realize that until the spring of 1938 when he did so. Previously we had not believed it.

Q That also belonged to the mission in which you believed? Yes or no?

A Yes, it may be true that belonged to his mission. He never spoke to me concerning the details of his mission.

Q You took his missions ashe carried them out without your knowing of any details, is that correct?

A No, I did not consider his mission in that light. I already said I considered his mission historical ones to which belonged the union of the German nation and people, and everything ~~after~~ later was different.

Q You just convicted yourself and it is a very serious conviction. You said previously that in 1944 when you had spoken to him you believed in his mission?

A No, I did not refer to 1944. I meant in general but no means only in 1944.

Q In general includes, Russia, Norway, Denmark, the Netherlands and Austria and all of the other countries that were attacked?

A No, I already said that what I considered his ~~mission~~ mission was the inner unification of the German nation and to place Germany on an equal basis with other

H1027 - 0049

nations. Everything else that came later I did not consider a mission, if one wants to speak of a mission at all.

Q Then if the other things were not a mission they probably were crimes?

A As I am allowed only to testify to facts I can give no opinion here.

Q I want to ask you whether you consider the attacks on Russia, Norway and so on, were crimes or not?

DR. LATERNSER: I object to the question. The witnessis asked in this question to make a legal decision which he is not able to give, and the Tribunal has always rejected such questions because such questions were not admissible.

MR. TAYLOR: I think it is probably asking for an opinion or expression of the witness or his interpretation of the matter, but if he is competent to testify to it or could do so he may, but if he has no opinion he should answer that he could not form a personal opinion.

DR. LATERNSER: If the is asked whether he considered an attack on other countries a crime or not then he is asked to give a legal opinion, and the Tribunal has passed judgment on this.

H1027 - 0050

DR. KEMPNER: I would like to know whether this was an attack of a criminal nature.

DR. LATERNSER: If the Prosecution was of the opinion that this was not admissible, the Prosecution would have had the right to object to my question but that does not mean that I forfeit my right to object to the Prosecutor's question.

MR. TAYLOR: I am not quite familiar with the testimony given this morning but this witness represents the General Staff and was at one time Chief of Staff and the cross examination apparently is to obtain from him his views upon the attacks. I think it is proper cross examination if the witness is capable of forming an opinion.

DR. LATERNSER: If the witness is asked to form an opinion on military questions, and questions of an expert concering military matters, then it is a question, of course, which is admissible, but this question asked the witness is/~~xxx~~ to form an opinion as to whether an attack is a crime or not. That is a legal decision.

MR. TAYLOR: Reframe your question and ask him again, please?

BY DR. KEMPNER:

Q Did you as a military expert consider the attack on Russia, Czecho Slovakia, France and other nations a crime?

DR. LATERNSER: THis is the same question.

H1027-0051

DR. KEMPNER: This witness does not want to answer and it is even more agreeable to me if he does not.

WITNESS: I shall be xx glad to answer.

BY DR. KEMPNER:

Q Please proceed.

A I would have to give a separate answer to every single question because every question is different.

Q Make it as short as possible.

A With one sentence I can answer every question.

Q Have you a justification for each of these attacks?

A Yes, a military justification.

Q A political one too?

A I am not competent as far as politics is concerned. I am a soldier.

Q Sure, that is enough. Thank you. Did you believe the news given to you concerning the alleged assaults or xxx incidents concerning the Poles and Germany?

A Yes, considering the experiences we had had for many years and considering the Poles it was not incredible.

Q You believed that Poland did attack poor weak Germany?

A No, but that incident had been provoked on the part of Poland. Moreover, as we have proved Poland had assembled troop concentrations for an attack.

H1027-0052

Q You believed that?

A I did not only believe it but it was a fact. This is the only reason we were able to encircle two-thirds of the Polish army.

Q You have studied quite a bit of this material, haven't you, and the Tribunal record?

A Only those documents that my lawyer sent to me.

Q Do you know the documents of the German General Staff?

A I don't know which ones you mean.

Q I shall tell you, the document of the spring of 1941, in which it says:

"We must attack Russia, otherwise we shall not be able to last through another winter so far as food is concerned."

A No, I don't know this document. Would you please show it to me? It is quite new. I don't know it.

Q How do you bring into accord this opinion with your own opinion, if it was an aggressive war, how could these two opinions be brought into accord?

A I can only express an opinion after I know what is in the document. This one sentence does not suffice.

H1027-0053

Q I have quoted the ssentence:

"We must attack Russia, otherwise we shall not be able to last through a third winter of war."

A I consider this pure nonsense because we had our supplies from Russia.

Q You believe this document is just a piece of playing?

A I cannot pass on it because I have not seen it and I am not being shown the document.

Q Now, something quite different. You said that the military leadership group of Germany knew nothing about the plans Hitler had in mind, is that correct?

A Yes, so far as I knew.

Q And Germany had not re-armed for aggressive war?

A No, at any rate, as far as military quarters were concerned we did not re-arm for aggressive war, only for equality and security.

Q Then how can you as a military expert account for the fact that despite this all of these countries like Poland, Czecho Slovakia, France and Norway and all of these other countries were overrun like they were ~~xix~~ without any preparation and without your knowing anything about it?

A Evidently, because we were superior so far as military matters were concerned.

H1027-0054

Q Then you were in an expert condition in 1939 so that you could really conquer half the world, is that right?

A We were in no way ready for such a war and it would have been easy for the Western powers even at that time to overrun us in the West, but we were materially and spiritually in expert condition.

Q And later on Hitler lost the war because he interfered too much with the Generals, is that correct?

A He lost the war in the long run because he had tried to take it up with the whole word, but he would never have lost it the way he did if he had let the Generals run it themselves.

Q It would have been better if he had let the Generals do these things, is that correct?

A From a purely military standpoint, yes, probably.

Q You have never said you wanted to remove Hitler, is that correct?

A No.

Q Did any of the gentlemen on the 20th of June speak to you?

A I learned of this only later and as far as the connection is concerned to the question you just asked in 1942 and 1943 Colonel Beck wrote me a long letter in which he expressed his opinion concerning military

H1027-0055

questions and he expressed the thought that the war might be lost and that in that case we would have to pay the bill, that would be asked by the Victors, and the Generals should be clear on this point and realize this. I answered his letter and told him, of course, and in each and all of the letters of Colonel Beck this was very apparent and I told him a war is only lost after it had been given up and that one threatening defeat such as Stalingrad was no reason why xxxxxxxxxx the war should be considered lost.

Q You just wanted to remove Hitler as a military leader and not as a political leader, is that correct?

A I did not want his removal at all. I only wanted to be certain that Hitler would secure for himself a sensible chief of general staff and one that he would listen to over his own commands as xxxxxx Fuehrer, but this was not longer possible.

Q You wanted Hitler to xxx remain in power and only have a sensible Chief of xxxxxxxxxxxxxxxxx General Staff?

A In my opinion, if Hitler as a person had disappeared from the scene it would have meant the down-fall and civil war in Germany.

Q But the fact that you might have saved the lives of some millions of people and bombing of cities did not play a role in this picture for a minute?

A That question was not acute at all at that

H1027-0056

time. The question was whether we should give up in unconditional surrender and that would have meant an unforseen future which we did not want for the German people.

Q You preferred what has happened now?

A I did not prefer this at all. I hoped on the contrary for finding a very peaceful solution of peace. Aside from this the Russian Marshalls in 1941 were probably in the same condition as we were in 1942 and 1943.

Q We can judge that now from the results. Thank you, that is all.

MR. TAYLOR: Do you want to present the documents you have there, Dr. Laternser?

DR. LATERNSER: I am very grateful that the Prosecutor has brought my attention to a mistake in translation. Ohlendorff testified in the German language and this is the original testimony: The witness testified to the questions of Professor Exner who asked:

"Q Who gave you instructions for the march?

A Instructions for the march were as a rule given by the chief of staff.

Q At the time of the last question the Army Commander in Chief was at the time we are now speaking of Von Mannstein. Did you receive any orders in this matter signed by Von Mannstein?

H1027-0057

A I do not remember any such order but on the occasion of the discussion concerning the march an oral conversation took place between myself and the Chief of Staff. I do not remember any such order but on the occasion of the discussion concerning the march an oral conversation took place between the Chief of Staff and myself."

The English translation of this answer is as follows: And I quote from page 2048 of the English record:

"A I cannot remember any such order but on the march there were discussions with Von Mannstein, the chief of staff and myself", and showing these two texts proves that the English translation of the record of the original German is incorrect.

MR. TAYLOR: The reason I wanted it in the record was to correct it so that the you would have an opportunity to present it, but so far as a ruling or opinion is concerned that is made by the Tribunal and not by the Commission.

DR. LATERNSER: I shall make application to this effect to the Tribunal concerning this translation.

DR. KEMPNER: Our point of view xx is that the sentence as heard by the translator, by the German-English translator, has been written down correctly, because the translator has heard Von Mannstein. However, it might be that the German Reporter missed the word "Von Mannsten."

H1027-0058

MR. TAYLOR: Of course, the record will speak for itself, and that is the reason I want it.

DR. LATERNSER: I shall handle the application.

MR. TAYLOR: Are you through with this witness?

DR. LATERNSER: THERE are no further questions I want to ask of this witness.

(A short recess is taken at this time)

The foregoing is a true and correct transcript of the testimony of GENERAL ERICH VON MANSTEIN, taken on 4 July 1946.

Mabel A. Lesser
Reporter (pp 1-14

Meehan
Reporter (pp 15-32

Paul Cook
Reporter (pp 33-57

CERTIFIED TO :

Rasmor
Commissioner

H1027-0059

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

4 July 1946.

COMMISSIONER:

Mr. I.V. Rasumov

THE O.K.W.

(THE COMMISSION CONVENED AT 1010 HOURS.)

GENERALERICH VON MANSTEIN, a witness, took the stand and testified as follows:

BY THE COMMISSIONER:

I believe we can resume with the witness now. Dr. Laternser, please.

DIRECT EXAMINATION -- Continued

BY DR. LATERNSER:

Q How was the administration of the captured Polish territory taken care of?

A There was originally a military administration planned for Poland. However, immediately after its capture a Government General was started, under Frank. It was evident that Hitler did not consider us generals able to administer that country according to his wishes and according to his ideas.

Q And now a question concerning a continuance of the war. Were the high military leaders consulted concerning a continuntion of the war?

A No. Field Marshal Rundstedt was never asked and all we received were already finished orders concerning the war in the West even though it was quite evident that the OKW was against any such continuance of the war.

DR. KEMPNER: Mr. Commissioner, I object against this continued delaying of these hearings. We had the General Field Marshal von Rundstedt for two days. This witness should not be allowed to tell from hearsay or otherwise what General Rundstedt could tell directly.

DR. LATERNSER: My question was, were the higher military leaders consulted before the continuance of the war in the West. I believe that this question is absolutely relevant and should be considered correct.

MR. RASUMOV: All right, defense counsel may proceed.

Q Did military leaders make any suggestions concerning the continuance

H1027-0060

H1027-0061

of the war or concerning any particular campaigns in the West?

A Virtually all military leaders gave their opinion against such a western offensive. However, they did give purely operational suggestions after the order had already been issued.

Q What was the reason for the speech of the 23rd of November 1939 by Hitler? What was the impression that you received?

A Hitler in that speech wanted to tell us that the western offensive was absolutely necessary. He also wanted to impress upon us that this offensive would be successful. Otherwise the entire speech was just one attack against the generals and especially against the OKH. He told us that we had constantly been incorrect and that our chivalrous way of warfare was outmoded as was shown by the eastern campaign in Poland. In addition he stated that he was completely in the right since if he could not come to peace with England it was absolutely necessary that a western campaign be carried out. The result also was that the OKH could not and did not have any more influence whatsoever upon him.

COLONEL KAREV: I do not think that we have to concern ourselves with this as it is really irrelevant whether or not the idea of Hitler was a success or not.

MR. RACHKOV: I think the prosecution is perfectly right. We should not put in general questions.

Q In France you led a Corps, didn't you?

A Yes.

Q How was the war carried out on the German side?

A The war in France was carried out by the Germans absolutely according to international rights.

Q What was the impression of the military leaders concerning the situation after the collapse of France? What suggestions did they make?

A At that time we thought that the war would be ended very soon due to an agreement with England and the OKH already had started plans for demobilization We, that is the higher military leaders, including myself, were asked by the personnel office whether or not we wanted to retire after peace. After it became evident very soon that it was impossible to come to a political agreement

H1027-0062

we military leaders considered it necessary to make a landing in England in order to finish the war.

COLONEL KAREV: The witness stated before that he was not asked concerning the carrying out or the actions of the war and I don't see why we have to hear it now.

DR. LATERNSER: The witness mentioned the suggestions which were made by the high military leaders at the end of the western campaign. It is only too evident through the answer of this witness that the military leaders at that time did not know of the plan to attack Russia and also did not count on such an attack. For that reason I think the statements of the witness are absolutely necessary in this case.

MR. RASUMOV: I think this question may be answered by the witness.

Q During the Russian Offensive you led an armored corps. When did you hear of the Russian plan?

A Until the 1st of March I was in the channel coast. Then I was sent to Westphalia to organize a new general command. In April we were transferred to Silesia in order to supervise the training of armored replacements in the Reich. In May or the beginning of June the General Command was moved to East Prussia and was at that time told to start reconnaissance work for possible attack on Russia. That is the first time I heard anything about an attack on Russia.

Q What was your attitude to the question of war against Russia?

A I knew the Red Army. I had been a guest at Red Army maneuvers twice. We high military leaders never even thought of a war against Russia. However, as time went by, it became more and more evident that the Russians were collecting division upon division of infantry and armored troops on the frontier and it was only a matter of time, we thought, until the Russians would start attack upon Germany. We therefore considered it absolutely necessary that a preventive attack be initiated. Since Hitler did not try to land in England this was, without a doubt, his last escape route.

Q Were you present during any of Hitler's speeches and conferences?

A No.

COLONEL KAREV: How does the witness know what thoughts, what ideas Hitler had at that time? The witness at that time did not have a very high post

H1027-0063

and was only a corps leader.

MR. RASUMOV: I did not quite hear the translation. Could you give it once more please?

COLONEL KAREV: How could the witness at that time know the ideas and thoughts of Hitler? He was at that time only a Corps Leader.

DR. LATERNSER: Is that not a question that should be asked during the cross-examination?

MR. RASUMOV: All right, go on, Dr. Laternser.

BY DR. LATERNSER:

Q Was there ever a meeting of the group, and that is the charge of the Prosecution, was there ever such a meeting during which ideas were considered as to how the war could be carried out against the rights of humanity and against the rules and regulations of modern warfare?

A No, there never was any such conference. It would have been against all our education. Such idea could never be suggested by a soldier but rather by a politician who is fighting for some particular political view.

Q Would not the soldier himself suffer under a thing like that?

A It is the soldier who, through his experiences, formed the Internationa rules and regulations of warfare, it was not the lawyer. It is the soldier who suffers under any such new ideas and it is therefore impossible that a soldier should suggest such an idea.

Q Did you, during the campaigns in Poland or France, notice any measures against the International Rights and Laws of Humanity?

A I know of two cases. One, a captain of the cavalry together with some party members had raped some Jewish woman. He was later on sentenced to death. A reserve officer had taken quite a bit of jewelry and by Courts Martial he was sentenced to a long prison term. However, my commander-in-chief recalled that sentence and demanded a death sentence.

Q How was the form of combat in the Russian campaign?

A The fighting in the Russian Campaign increased and became more severe, to the sorrow of the soldiers. One reason for that was that the two ideologies of the nations were brought into this combat and it is well known that two nations that are opposing each other ideologically, such as, in former centuries, religious wars, are fought much harder than wars just between soldiers

H1027-0064

Secondly, there is no doubt that our soldiers did carry out some reprisals at times when they found maimed German wounded. I want to point out that in those years every soldier considered that if he should fall into the hands of the enemy it would mean his death. This is the result if a war is fought according to political ideologies.

Q How did the tactics of Stalin and Hitler influence this warfare and what kind of tactic was that?

A Stalin in 1941 demanded of his troops and of his people that they fight for every foot of the country. Hitler took that idea and made it the basic thought of his leadership. It is quite evident that if the soldier has to fight for every village that these villages will be destroyed and that the battle will be more and more severe.

Q Did the commanders and military leaders admit or support any excessive measures during combat?

A The actions against any such excessive measures by the soldiers against the population was hindered due to the well-known order of the Fuehrer. But in fact we military leaders did not support or admit any such excessive measures to be carried out. I for instance, as commander-in-chief of a Corps, right at the beginning of the campaign, approved two death sentences against two German soldiers who had raped a Russian woman.

H1027-0065

Q How was the Court Martial system handled. Was there any influence upon these Courts due to higher orders?

A At the beginning of the Russian Campaign the OKH issued an order, against the wish of Hitler, in which it stated that the military court martial system was to be maintained, and that is how it was handled.

Q How about the limitations due to orders from higher authorities concerning these courts?

A We were very much limited due to the fact that the Air Force, the SS, the Organization Todt, and the Police were not under our Courts Martial jurisdiction.

Q Was the order, according to which no excessive measure carried out during the partisan actions were to be punished, of very great influence?

A I did not have any partisan actions in my area in the Ukraine but I am sure that the military leaders, in order to keep up discipline, did not admit any such excessive measures against the population even though they officially were not supposed to be punished.

Q What do you know concerning the Commissar Decree?

A I received this order concerning the treatment of Commissars in Eastern Prussia. I then reported to the Commander-in-Chief of the Army Group, von Leeb, that I could not carry out such an order as a soldier. He quietly heard all my protests and in that way told me that he approved of my idea. I reported the same thing to the commander-in-chief of the Armored Group, Colonel General Hoeppner, and also to the commander-in-chief of one of the neighboring army corps, General Reinhardt. He told us that he would protest against this order and see to it that it was rescinded. However, he did not have any results. I did not pass on this order since at that time no armored divisions were under my command. All the armored divisions in my Corps were still within the Reich. This order was not carried out in my area. I did not hear of a single report of any shootings of commissars. My division commanders know my attitude.

Q In other wrds the Commissar Orderwas practically not carried out in your area?

A It was practically not carried out because the troops did not take the time and did not want to do it, that is, to sort out the commissars from

H1027-0066

the other Russians. Secondly, there were no commissars actually captured. They fought until the very last moment and at times committed suicide when the situation became impossible or they removed their insignia of political commissars before their capture and therefore were not recognizable as such.

Q What known military leaders of that group, as it is called, had the same attitude as you?

A I have already mentioned General Reinhardt. Then I can think of other commanding generals that were under my command in the Crimea, General Hanson, General Frederbike, General Mattenklot. I also know of a General Maehring who was under my command later on. In fact I have not met any general officer that told me that the Commissar Order was carried out in his area.

Q Now I have a few questions concerning the treatment of prisoners of war. What was the attitude of the military leaders concerning the question of treatment of prisoners of war?

A Every soldier treated every prisoner of war in a soldierly, correct manner, since he too could come to the same position. The military leaders always saw to it that the prisoners were treated decently and according to the Geneva Convention.

Q Did you ever issue an order or support an order saying that enemy soldiers that wanted to surrender were to receive no pardon?

A No, we never issued any such orders, even though we continually captured Russians yelling "Kill all Occupees" that is all "Germans." However, it is possible that German soldiers didmurder or kill enemy soldiers during battle when they were made for vengeance after they had found murdered German soldiers.

Q How was the organization of the collection, the transportation to the rear, and the food for these prisoners?

H1027-0067

A The troops up in the front line usually did not have any time to concern themselves with these prisoners of war and they just sent them to the rear. They were collected in the rear in collection camps and then handed over to the main camps which were under the command of the OKW. In the meantime we did everything to give them food and so on. I remember, for instance, that in Sinveropol, on the Crimean Peninsula, we permitted the population to bring food to the prisoners since it is usually very hard to provide for hundreds of thousands of prisoners of war.

Q The Prosecution claims that every prisoner of war that could not go on was shot. Is that claim correct?

A I saw many columns of prisoners of war but I never saw that on the trail of those columns there were any shot prisoners of war. One time as I passed a column of prisoners of war, by car, I saw a German soldier hitting a prisoner of war. I immediately stopped the car and severely punished the soldier. The next day I had his battalion commander report to me and I told him that I would chase him to the devil if something like that happened once again.

Q Were there any prisoners of war that stayed with the army and for what reasons?

A We kept large numbers of prisoners of war within the army area to repair streets, railroads, and above all to do repair work on our vehicles. These were treated and provided for very well and for that reason they always worked very well. When I took over the Armored Corps Don in November 1942 and my headquarters staff had not yet arrived, I had a corps of 10 Cossacks in my home for a while, which proved that we must have treated these men very well.

Q How large was the number of H.W.'s, that is, people who wanted to help, and in what manner were they treated?

A These people were volunteers that worked on our side on vehicles, horses, and soon. Finally there were about one to two thousand of such volunteers with every division. The entire German supply columns had one German non-com and all the rest were volunteers. These volunteers also went with us in our retreats since they always had been treated very well as soldiers.

H1027-0068

Q How was the attitude of the military leader to thw work of the administration of an occupied territory?

A We wanted to treat the population correctly and humanely. There were no such ideas as master race, racial class, or political propaganda. Of course we had to see to it that the area remained quiet and for that reason had to see to correct treatment and sufficient food. I had constant anxiousness concerning the providing for the civilian population during the winter of 1941-42 on the Crimea and even though the supply problem of the army was very difficult we prevented a starvation. That is why we never had any partisan actions in the military administered areas of the Ukraine.

Q What was the basis for the rules of administration of these occupied territories?

A Hitler's idea was without a doubt to give the soldiers as little influence as possible. Poland became a Government General immediately. In the West military administrative leaders were named. However they were not under the command of the commanders-in-chief. In the East, Reichs Commissars and political administrations were introduced. Under our command was only the operational area, in other words, just the battle area itself. As we started to retreat from Russia this area slowly became smaller and smaller until it finally was a strip of 10 kilometers behind the front line. All the rest was under political administration.

Q How far did the influence of the commanders-in-chief go in these operational areas?

A Practically the military leader was limited to actual combat on the line and for the security of the area that he was fighting in. Besides that we had to take care, within this area, of the local administrations and see to it that the harvest was brought in in fall and spring. Everything else was outside of our scope. The political question of the population was under the Reichsfuehrer-SS. All political points or all political directions came from the Office Rosenberg. The economic administration was under Goering. The cultural safeguarding and the safeguarding of treasures was under Rosenber Resettlement was under the command of Himmler.

H1027-0069

Q And the workers?

A The workers were under Sauckel. As I stated already, as far as military units are concerned, the only units that were in direct demand for operational use were the armed units of the army. The Air Force was completely independent. The SS was only under our command for tactical use. The Organization Todt, the Police, and the railroads were not under our command at all.

Q Did the Commander-in-Chief of an Army Group have the necessary time to concern himself with occupation matters.

A I just want to say that as long as I was in Russia I was completely occupied by leading the fight. One crisis followed the other. There was no time at all for occupation matters such as they exist with an occupation army.

Q Now a few questions concerning the treatment of the civil population.

MR. RASUMOV: How many more questions have you, Dr. Laternser?

DR. LATERNSER: I don't know, Mr. Commissioner, but I will be finished for sure by noon.

MR. RASUMOV: Have you an approximate idea of how long you will continue to be questioning him?

DR. LATERNSER: I was told by Colonel Neave that I should be finished by this evening. I will attempt to keep this limitation.

DR. KEMPNER: I understood yesterday, before we talked about the length of this examination, that Dr. Laternser had in mind to finish his examination around noon. Now he has the same situation. He is finishing around noon and we have to press our cross-examination so that we do not have enough time to cross-examine. There were a lot of questions this whole morning which could have been answered in half the time if the witness would have been properly directed by the defense counsel.

H1027-0070

DR. LATERNSER: I have kept an exact record of the time that was used, including the various objections, and I have up until now used 140 minutes on this witness, in other words, two hours and twenty minutes. Before we started the examination of this witness I stated that he was the most important witness of the accused organization and that I probably would not be finished within the three hours. I also suggested that all future witnesses would be question only very shortly and that I would consider it unfair if this time limit would be absolutely kept with this witness, especially since it has been overstepped very much by other witnesses of other organizations.

DR. KEMPNER: I don't like to argue about this point but last week we heard here that the witness von Rundstedt was the most important witness and we spent two days on him. Now this witness is the most important witness. Apparently all witnesses are the most important. We ourselves would like to make our point very clear that we do not like any further delay of these examinations.

DR. LATERNSER: You will have to admit that there could be two very important witnesses for the OKW and I already stated before the examination that I will keep my questions as short as possible.

COLONEL KAREV: There is a regulation or decision by the Tribunal that the defense should take only 3 hours for its witnesses. The witness answers in very great detail and sometimes answers questions that are not even asked and which are irrelevant. I want to point out that the witness did not have a very high position. However we are interested in him so far as he is one of the war criminals but we don't want to take too much time.

MR. RASUMOV: Well, I have no intention of arguing here about the importance of the witness. The only thing which I want to say is that we are spending too much time on one witness and I would like you, Dr. Laternser, in your further examination, not to go very far into detail on the questions as to make your examination as short as possible.

DR. LATERNSER: Yes. May we take a ten minute recess at this time?

(A recess was taken.)

BY DR. LATERNSER:

Q What was the attitude of the soldiers to the civilian population in

H1027-0071

the occupied countries, especially in Soviet Russia?

A Our attitude was, as I stated already, we wanted quietness in our area. We considered that this could be best achieved by human treatment of the civilian population.

Q You know of the order of General Reichenau, in which he stated that there should be no consideration shown to the civilian population or to the soldiers captured in his area. Did you see that order and did he have any influence whatsoever on your attitude and that of your troops with the civilian population?

A We were informed of this order upon the suggestion of the Fuehrer, but none of the other leaders were of the same opinion as Reichenau and it was never carried out, especially in my area.

Q What was the system used after excessive measures by soldiers against the civilian population?

A Any kind of excessive measures were tried by regular court marshal. I am thinking of the two death sentences carried out in my corps, to which I have already referred.

Q Now, I have a few questions concerning the murder of Jews in the eastern territory. Did you know of the order of Himmler concerning the extermination of Jews? Did you know of his opinion that thirty million Slavs must disappear?

A No, I did not hear of either the order of Himmler or of his idea during the war.

Q What did you know of the duties of the SD Einsatzgroups?

A I was told when I took over the 11th Army, it was the duty of these SD Einsatzgroups to check the civilian population in the rear areas concerning their political ideas.

Q Did you work with the SD in the area of the armored corps where Hoeppner was commanding general?

A I did not see any SD men in my area. There was fighting going on and therefore no SD men ever came up there.

Q What do you say concerning the affidavit of the Witness Ohlendorf, who states that according to an order of Army High Command 2, Jews were only

H1027-0072

to be shot at 200 or 2½ kilometers away from army headquarters?

A Such an order was certainly not given. It would have been completely senseless. 2½ kilometers away from my headquarters would have been senseless and 200 kilometers away would have been out of my area.

Q Do you have any explanation for this declaration of Ohlendorf?

A When I took over the 11th Army, I was about two or three days in the headquarters at Nikolawew, then I moved my command post to the front lines. The last evening at Nikolawew another officer told me that reportedly the SS had shot Jews in a town further to the rear. I believe it was Kishinew. I considered this to have been one excess of the SS as had already happened in Poland. Since I left for the front the next morning, I had a message given to the chief quarter master of the army. He was supposed to tell the commander of the SS in that vicinity, wherever I was, I would not permit such activities. The strange thing is I considered this shooting of prisoners in Kishinew an excess measure by the SS and I did not think of it as an extermination of Jews. That is the only time I heard of anything concerning the shooting of Jews in my entire time as commander in chief.

Q Did you as commander in chief give orders to the SD?

A I did not give any orders to the SD and I cannot remember ever having seen or spoken to Ohlendorf. It is, however, possible that he reported to me on an occasion.

Q Did you see any reports of the SD?

A I did receive some reports of the SD, which contained information concerning the political attitude of the population, the black market and other matters. There was nothing in them concerning the shooting of Jews.

Q The Einsatzgroups D, which was in the area of the 11th Army, killed within one year, according to the witness, Ohlendorf, 90,000 Jews. How can you explain that? Did you ever hear of that?

A According to the witness, Ohlendorf, this Einsatzgroup concerned an area from Chernovitz to Rostov, which is approximately 1,200 kilometers long and approximately 400 kilometers wide. In that area there was not just the 11 Army, but three or four other armies; there were three or four Russian armies and also at times the 17th Army and others. In my section on the Crimea there

H1027-0073

was only a very few Jews. In the northern part of the Crimea there were Jewish villages, which already had been evacuated by the Russians when we got there. I hardly saw any Jews in the capital in Simoevopol. According to the reports we received a large part of the civilian Jewish population had flown across the sea from Kertsh and Simoevopol when we arrived. There were only very few security troops within a very large area, therefore, there were only troops in the most important spots. I, personally, almost always was in the battle area and during the year I had between twelve and thirteen command posts on the front. To the command post of mine came only, of course, the most important orders concerning the actual battle and we have very little information concerning what was going on in the areas of the other armies.

Ohlendorf also described how the shooting was camouflaged toward us by so-called resettlements. It was of course natural that if the SD did collect the Jews, they shot them in a lonely spot and buried them there and that the military groups would not have heard anything about it.

Q In other words you did not hear anything of the murder of Jews, with the exception of the before mentioned case in Kishinew?

A I did not receive any report from any office or organization concerning any such shootings.

Q The witness, Ohlendorf, also stated that army members participated in these shootings. Do you know anything about that?

A Ohlendorf himself stated that these men were army soldiers, but God knows what kind of soldiers, they were not members of my army.

Q The 11th Army, states the witness, Ohlendorf, received watches from the SD?

H1027-0074

A. I remember that the army adjutant told me he received at one time a large shipment of watches from Germany and if he did received watches from the SD, he could not have known by a long shot they were watches taken away from Jews that were shot.

Q. You know of the Russian Document telling of the shooting at Sevastopol in the caves of Inkermann?

A. It was without a doubt in the caves of Inkermann where large storage facilities and quite a bit a storage was placed, including ammunition and there were reports that there also was a Russian hospital. Without a doubt the population of Inkermann might have flownlinto these caves. These caves were blown up by the Russians even before the Germans got there. It was the largest blowing up I have ever seen. It was a wall of rock about 300 meters wide and about 30 meters high that crashed down.

Q. The Russian Prosecution maintains that the Germans murdered a lot of people in the railroad terminals of Sevastopol?

A. The railroad terminal outside of Sevastopol was a Russian stronghold and in the terminal itself was a Russian armored train. Since the Russians did not want to surrender the terminal, it had to be attacked and cleared out. That was done by artillery fire, by explosives and through the use of flame throwers against this armored train. We could not have known that civilians were in the terminal. We would not help that this terminal had to be cleared out, as there was considerable shooting from it.

Q. Did you hear anything of the shooting of 195,000 persons at Kiev?

A. No, Kiev came into my area, that is the area of one of the armies under my command in September 1943, and at that time there was no talk about these shootings. I also consider his number as completely impossible. I was in Kiev in September of 1943 and did not hear anything of any such matters.

Q. What do you know of the poisoning of 250 school children in Kirch and also the drowning of 144,000 people, as maintained by the Russian Prosecution, in the Black Sea?

H1027-0075

A. That a German officer would poison 250 school children with coffee and cake is completely impossible and as far as the drownings are concerned, as long as I was on the Crimea there was not a sea-worthy shop there. In addition to this, the Tarters were on this island, and they were very friendly to the Germans and we did not have any reason to drown a single one.

Q. Were any workers brought to Germany from the areas under your command? Who was responsible for that?

A. When I was commander in chief of army group south in 1943 and 1944, Sauckel wanted several hundred thousand workers from us. We fought against this measure, since we needed these men for agricultural work and since any such transfer would result in partisan warfare by the population, I told Sauckel that any forceful measures were completely impossible. They also did not happen in occupied areas, but I did hear of them from Reichs-Commanderss office. He told me he was an enemy of using any kind of force to get these workers, also the administration denied any such measures. Sauckel also stated and promised that the workers would be treated in Germany just like German workers.

Q. What were the basic principles in the German army concerning requisitions?

A. An individual person was not allowed to requisition anything. Only the army or a troop was allowed to do that. It was only allowed that food and clothing could be requisitioned from the civilian population. Food only to the extent that it was necessary for the basic ration.

Q. Was there any actions against any kind of plundering?

DR. KEMPNER: I object to the last question. This question we have heard time and time again relative to the requisitioning and I think that is enough.

DR. LATERNSER: I don't consider the answer to this question as necessary.

DR. LATERNSER:

Q. What stores did the Germans find in the Ukraine in 1941?

A. We only found a very small fraction of the horses and domestic animals, and a very large part of the wheat reserves in the wheat sotrage places had been fired.

H1027-0076

Q. Just to take one little example. The Soviet Prosecution states that the Germans took seven million horses from the Russians. I wish you would give me your position concerning this.

A. A German division has 4,000 horses, with seven million horses, you could take care of 750 divisions, and we had about 150 to 200 infantry divisions altogether.

Q. Did you hear of the idea of the scorched earth policy in the Russian campaign?

A. We heard of the term scorched earth campaign during the Russian retreat to the east in 1941. Everything was destroyed that could be of any military value to us. All railroad and communication matters, a majority of the war industries, the wheat reserves, etc., had been burned and I already mentioned that.

Q. Why did the Germans carry out large destruction, and to what end?

A. I heard, and know, of no large scale destruction by the Germany army. The Fuhrer had given an order to keep the area east of the Dnyeper impossible for use by the Russian army, and there were exact instructions as to what had to be destroyed.

Q. Do you consider this order was necessitated by military need?

A. This order was a military necessity due to the fact that we could not prevent the Russian offensive across the Dnyeper, therefore, the complete break down of our eastern front would result unless we could bring the Russian offensive to a stop through lack of supplies.

Q. Was it necessary to destroy 46,000 railroad stations and 36,000 post office and telegraph offices?

A. We did not find a single railroad station undestroyed in 1941, and the water stops of the Russian railroads were not even taken care of in 1943. We did not find a single communication system intact. In other words, we did not have to destroy them.

Q. Why were hundreds of churches destroyed?

A. The churches were destroyed without a doubt due to the fact that they were actions of battles within the villages. For instance, that is the case with all churches in Savastopol. For instance, the cathedral in

H1027-0077

Novsherask was completely intact when we got there, and was openend for services. That was the case with the Castle of the Crimea at Livadia and also at Baktschisserai. I saw with sorrow myself that the Larva monastery in Kiev was destroyed, a monastery I had known from the year of 1930.

Q. How can you explain the heavy destruction in Stalingrad, Kiev, Charkov, Rostov, Oddessa, Sevastopol and Rovno? These are all accusations by the Prosecution.

A. There was fighting in Stalingrad for a month from house to house, Sevastopol was defended as a fortress for eight months, Rostov and Charkov were taken twice by the Russians and twice by the Germans in battle. In Kiev and Oddessa was the same thing, only they were taken by each but once, and the same thing happened in Oronoff. Oddessa was captured by the Rumanians, and not by us.

Q. Who was responsible for the destruction of industries and why were they destroyed?

A. The destruction of industries was ordered by the Economic Staff east, which was under Goering. This concerned factories, which were important for the armament industries of the Red Army.

Q. Were these factories intact and were they used formerly by the Germans?

A. No, most of them we found completely destroyed, such as the big oil works at Maikop, the large steel industries at Kertsh and Manopol and the tractor works at Charkov and the huge dam of Simoevopol. All these were destroyed when we found them.

Q. Was there any reason, in addition to the military necessity, which led to destruction?

A. I stated already that the only possibility in 1943 to stop the Russians was to destroy all their lines of supply east of the Dnyeper. Considering that a commander in chief of an army group or of an army is not in a position to say that such destruction was necessary or not, we still limited the measure of destruction as far as possible. First of all, only the villages were destroyed on the banks of the Snyeper which could have served as starting points for Russian offensives. If large destruction can be found, it is very easy to explain as there was fighting

H1027-0078

going on for every foot of the ground and therefore villages were destroyed.

Q. I now come to the last questions. The murder of General Schleicher must have hit the army the same way as did later on the dismissal of Colonel General con Fritsch. I ask you, Field Marshal, why did the Generals take all that?

A. The Fuhrer in his speech to the Reichstag explained that Schleicher was killed because he conspired with the French Ambassador, Through that all our chances to protest in any way were taken away. I asked my commanding general at that time to press for a military court investigation and Blomberg answered that was impossible.

Hitler told us of the matter of Fritsch in such a way that we considered it impossible to do anything before the investigation, which Hitler ordered was completed. If Fritsch had registered a protest at that time, the Generals without a doubt would have followed him. He did not do that because he placed his own person in the background.

Q. The Fuhrer gave before the start of various campaigns, speeches to the commanders in chief in which he gave his intentions. Why was there never any contradictions?

A. These meetings were just a demonstration of his intentions and his plans, which he had already made, and any kind of discussion was usually impossible, also these speeches of his cannot be considered on the scale of his speeches to the people. They were on a very high level, and the minutes do not capture that at all. One could not in any way argue concerning his reasons as we did not have the specific information concerning the economic and industrialwork being done. I believe I was the only one that ever interrupted him during such a speech. It was in the year of 1944. There was a very big fight concerning that.

Q. When you became commander-in-chief of the army group in 1943, Hitler was hour immediate superior, was he not? You and all other general staff officers in your position thereby had the possibility

H1027-0079

going on for every foot of the ground and therefore villages were destroyed.

Q. I now come to the last questions. The murder of General Schleicher must have hit the army the same way as did later on the dismissal of Colonel General con Fritsch. I ask you, Field Marshal, why did the Generals take all that?

A. The Fuhrer in his speech to the Reichstag explained that Schleicher was killed because he conspired with the French Ambassador, Through that all our chances to protest in any way were taken away. I asked my commanding general at that time to press for a military court investigation and Blomberg answered that was impossible.

Hitler told us of the matter of Fritsch in such a way that we considered it impossible to do anything before the investigation, which Hitler ordered was completed. If Fritsch had registered a protest at that time, the Generals without a doubt would have followed him. He did not do that because he placed his own person in the background.

Q. The Fuhrer gave before the start of various campaigns, speeches to the commanders in chief in which he gave his intentions. Why was there never any contradictions?

A. These meetings were just a demonstration of his intentions and his plans, which he had already made, and any kind of discussion was usually impossible, also these speeches of his cannot be considered on the scale of his speeches to the people. They were on a very high level, and the minutes do not capture that at all. One could not in any way argue concerning his reasons as we did not have the specific information concerning the economic and industrialwork being done. I believe I was the only one that ever interrupted him during such a speech. It was in the year of 1944. There was a very big fight concerning that.

Q. When you became commander-in-chief of the army group in 1943, Hitler was hour immediate superior, was he not? You and all other general staff officers in your position thereby had the possibility

of going directly to Hitler. You could make a protect, could you not, when an order was not considered correct?

A. Certainly, I wrote a tremendous amount of letters to him concerning military matters, that is a big volume, but it was very hard to speak to him because I could not leave the fron for a long time, and it was only possible for me to have him come to me twice. If one notified him, he could come, but one also had to tell why he was coming. He then had all the counter arguments ready and proved to the person either your protest or economical points were incorrect. These discussion very often took hours. I once had to speak to him for six hours concerning a purely military

H1027-0081

matter until he accepted my program. I attempted to get him to give up his military leadership three times without results, because he thought he was the only one that could do it. He told me that the Field Marshalls were not even following his orders and I would even be less successful. When I told him that I believed I could have my orders carried out, he interrupted the discussion. He could not be convinced of anything if he did not want to be. He was a very smart person with an iron will that was unbreakable and he considered himself to be on some special mission and that was something which held him over all these protests.

Q And if a military leader, during such a discussion, dared to talk on a political matter what was the answer?

A He did not permit any kind of discussion on this, he cut that off immediately.

Q If these protests did not help anything, why did not more military leader retire?

A During the winter of 1941, I told Hitler through the commanding general of the army group that I, as commander of the 11th army, would like to be relieved of my post and he should put someone else in my position since he constanly interfered in my orders. The answer came back that retirement was out of the question and that it would be desertion. That is correct because the man in the trench cannot go home, therefore, the higher leader cannot go home right away. In addition to that such retirement of a general officer would only mean he was shirking his responsibility and his successor would have to carry on anyhow. In other words, the successor would just receive the responsibility of the one who went away. In addition to that, one had the responsibility to his unit. It might not sound very well, but I want to say that if some other leader had come in these years of 1943 or 1944, I don't think he could have done it any better. If another leader came in those years, the matter might have been even worse than during my command, therefore, the respnsibility to my men kept me in position. The retirement of a large group of officers would have only resulted in the putting in of SS leaders. Hitler anyway would never have been forced into any decision by the retirement of a great number of Field Marshalls and maybe he would have been glad to get rid of us.

Q Would it have been the duty of your conscience not to carry out certain orders?

A Definitely there was such a moral duty at times, however, if a soldier in the field refuses to carry out a certain order, he is tried before a court marshall and punished, however, if a high military leader refuses to carry out such an order he not only endangers his own integrity, but also that of the entire army leadership and he aids in the complete breakdown of the entire army disciplince and entire army as such.

Q Was there no idea among the higher leaders that the regime had to be removed?

A I want to state that the idea that a different regime coming into power did occur within out leadership due to the fact that Hitler's military

H1027-0083

leadership was insufficient and the moral reasons as he have them today, the persecution of the churches, the concentration camps, the extermination of the Jews and the political views, however, these matters did not occur to us at that time. As I was a few hundred miles from home, I did not hear of them. On the other hand, how were we to remove the regime? Hitler never could have been persuaded to retire. Even if the army could have accomplished that, there would have been a fight immediately within the air corps, the navy, the SS. To overpower Hitler and lock him up was impossible. He was guarded much too well for that. The only thing that remained was the way of force and that was his murder, however, murder as it would be carried out by an officer was not in our dictionary and much less would we break our oath.

Q On the 20th of July there were some Generals who did attempt to overthrow the Government. Why were there not a larger number of military leaders that supported this?

DR. KEMPNER: I don't object to this question, however, I would like to make it very clear, the position of our prosecution. The defense was admonished quite severely yesterday to cut down the questions, so that we would have a chance to begin the prosecution this morning. Now, the question is whether we should consider the matter as a contempt of court or going beyond that. We have the impression that there is a deliberate delay for reasons unknown as yet. I would like to make that very clear to the court.

DR. LATERNSER: I leave the decision to the court.

MR. RASUMOV: As a matter of fact, about twenty minutes ago, Dr. Laternser told us it was going to be the last question and we are still discussing this question. I wonder which is going to be called the last question. We cannot spend too much time on this witness. We have to stop the Direct Examination right now and begin our cross examination.

DR. LATERNSER: I believe that there was a wrong translation. I said I am going now to thelast questions, I meant the last chapter. I am now on the last question, whichthe witness has only to answer.

MR. RASUMOV: Is this the last question?

H1027-0084

DR. LATERNSER: Yes, my last question.

THE WITNESS: The officers that attempted to overthrow Hitler on July 20th did not have an order or field of command on the front. The commander in chief that is on the front cannot make a putsch during the war, as this putsch would have led to the breakdown on the front. One cannot expect an officer or commanding general to expect his troops to give their lives for years on the front and then he personally goes and throws hisweapons away. Even if the 20th of July attempt had been successful, it would have been unavoidable that civil war and chaotic conditions would have broken out in Germany. I want to point out that the soldiers of the central German army near Stalingrad, according to the letters that did come through finally, believed in Hitler to the very last moment. A putsch of the Generals would have brought with it a complete breakdown of the entire front and with it a complete defeat. Since from the conditions of Casa Blanca we know that only unconditional surrender was open to us. One could not expect a general officer to hand to the German people such a fate as the German people are living through now. We would have been responsible for this defeat in the history of the world. An officer can only fight, obey his orders, be loyal and the more critical the situation, the more he has to carry on.

DR. LATERNSER: I have no further questions.

CROSS EXAMINATION

BY DR. KEMPNER:

Q Where were you born?

A In Berlin.

Q How long are you in the army?

A I entered the army in 1936, in other words I am a soldier for 40 years.

Q You have had a lo to great experiences?

A Yes.

Q How long was Hitler in the army?

A I believe he was in the army from 1915 to 1918, in other words for three years.

Q How long was he at the War Academy?

A It is well known that he was not at the Academy.

H1027-0085

Q I ask you, was he or was he not?

A No, he was in no War Academy.

Q Why did you let this private, or this P.F.C. talk to you of strategy - a man that did not have any experience or any knowledge?

A Hitlerwas legally the chief of the Reich and also the commander in chief of the armed forces.

Q And you, who were educated according to the ideasof Schliefen and Moltke, let someone like that tell you your business? Answer yes or no?

A I did not let a Private First Class give me orders, but it was the president of the state.

Q You believe that you would have let Reichs Minister Ebert tell you something like that? Answer yes or no?

A Yes.

Q With whom did you speak concerning the matters we aretalking about today, General Rundstedt?

A I hardly spoke to General Rundstedt because he had a very bad disposition.

Q But, you did speak to him?

A He only told me shortly what was asked of him.

Q He also told you what he testified?

A Not in detail.

Q But in large ideas?

A No, he only described some especially interesting moments.

Q The high-points, is that right?

A Less than the high points, but points where he became angry or points where he thought he made some kind of an impression through his answers.

Q General von Leib, did you talk with him concerning the actions here? Answer yes or no.

A He told me very shortly what you were talking about up here.

Q And Colonel General Reinhardt, he told you about that?

A I hardly spoke to Colonel General Reinhardt about that.

Q Not much, but some?

A He gave me hisimpressions.

H1027-0086

Q Then you also spoke to General Westphal?

A Yes.

Q Very much in detail?

A I could not say, I don't need any advice from others.

Q But, you heard what these gentlemen were talking about or told you?

A Of course, I did hear with interest their conception of this court room.

COMMISSIONER NEAVE: I should like to draw the attention to the fact that according to the three hour ruling on the hearings of witnesses recently passed, witnesses for the General Staff should be finished by this evening at the latest.

COMMISSIONER RASUMOV: We will recess until two o'clock.

(THE COMMISSION RECESSED AT 1310 HOURS)

H1027-0087

The hearing reconvened at 1400 hours, 4 July 1946)

VON MANNSTEIN - Resumed
CROSS EXAMINATION - Continued

MR. TAYLOR: Let the witness be reminded he is still under oath.

Gentlemen, you have, I understand, to cross examine this witness and two more to complete this afternoon, I was told and I hope we can do it before the afternoon session closes. Proceed please.

Q. When did you realize that the war was lost?

A. I did not believe that the war was lost as long as I was commander in chief, that is,,about April, 1944, but I did relize, however, that a peace could not be forced according to the aspirations that Hitler had in mind. I had hoped however that we would be able to come to some sort of an agreement, especially as far as peace was concerned.

Q. My question was when did you realize that the war was lost?

A. I could not have formed any opinion concerning this because I did not have the necessary material at my disposal, especially after I left, as I was ill, but I might say at the beginning of 1945, I realized that the war could be lost.

Q. You did not think previously that the war had been lost?

A. No.

Q. You did not know that other generals did know it?

A. It may be that the other generals were of that opinion.

Q. And you considered it right to fight after the conference at Casa Blanca?

A. Yes, because I saw no possibility of avoiding any catastrophy such as has happened now, unless one kept on fighting until the very last, because anything might have happened up to that time. There might have been a change in the war organ for instance. At the end of the seven years of war that was shown

Q. That is about two hundred years ago, wasn't it in the 17th century?

A. Yes, that was a fact.

Q. Was Ludendorff a great war lord?

H1027-0088

A. Ludendorff was probably the best general we had.

Q. Was he a traitor to the people.

A. Surely not, no.

Q. But when he realized the war was lost he did not continue. You can answer yes or no?

A. He lost his nerve.

Q. And that saved Germany and the world from having many deaths? Yes or no?

A. That may be so.

Q. Just now, a little while ago, we discussed the possibility of whether Hitler could be persuaded of a different opinion from his own?

A. Yes, up to the point where he no longer wanted to be.

Q. And you never thought that there might be a point where you would not want to continue?

A. Such a point would have had to be decisive question only and the difference existing between Hitler and myself were not of such a devisive question. Out differences were only concerning military leadership questions and I usually succeeded in what I wanted to obtain.

Q. Did you tell the Fuehrer that he had been badly advised, did you tell him so straight to his face? Yes or No?

A. I told him that he never listened to advice from those people whom he had about him to give him advice, at least not as far as military questions were concerned, and that he should appoint a general staff whose advice he could take.

Q. Did you know of the affair connected with General Francoit in the first world war?

A. Yes.

Q. Do you mean the disobedience in East Prüssia?

A. Yes.

Q. Will you please read this?

A. "The operations of the last ten days have shown that Your Majesty has been badly advised and I feel obliged to report to you."

H1027-0089

Q. Have you done anything similar in black or white so that you can prove it to-day?

A. In about fifty or a hundred letters written to the Chief of the General Staff which were handed to Hitler I clearly expressed my opinions different from his. I did not say in these letter I thought he was badly advised. I only said my opinions differed.

Q. You admit that you did not draw an conclusion in so far as losing the war was concerned? Yes or no?

A. I twice asked for my dismissal, once when I was Commander of the 11th Army in the Crimea in the winter of 1941 and 1942, and the second time when I was commander of the Army South in March of 1944. I succeeded in pressing my point and three days later he dismissed me.

Q. You were trained in the tradition of the Prussian General Staff, is that correct?

A. Yes.

Q. Was that a special kind of tradition?

A. It was a special military training, a training to obedience to duty and abstinence.

H1027-0090

Q And those were the two things that distinguished those gentlemen belonging to the Prussian army, wasn't it?

A No, these thoughts were the common possession of all officers in the Prussian army, but the especial distinction lay within the military activities, that is, it's assistants and helpers to the general staff.

Q Did you speak to von Rundstedt, Lieb, Westphall, and Reinhardt concerning these questions, concerning the especial question of the general staff?

A No.

Q Do you want to say this upon oath that you did not speak to these gentlemen concerning this point?

A Yes, of course, we discussed the position of the General Staff, but not particularly this point.

Q Or concerning the question that the general staff have at least a group among the officers?

A It was self-evident that it was in each group.

Q Do you know that Hitler, Goering, Rosenberg, Sauckel and Himmler committed terrible crimes, is that correct?

A I know that, what has now been brought out by the trial.

Q You mean at the time you did not know it?

A No.

Q You had no idea?

A No.

Q Did you ever hear of the Jewish Persecution in Germany proper?

A In Germany itself I heard, of course, about the Jewish laws which had been passed and I also heard that during the war Jews had been imprisoned.

Q But you never heard that Jews were also locked up in 1933, 1934 and 1938?

A Yes, of course, I heard that Jews had been locked up already at that time but I don't know the number.

Q You know of the anti-semitic program, didn't you?

A I know that Hitler's Anti-Jewish program had been published, which pertained to the Nurnberg laws, but I did not know such was true of the German

H1027-0091

nation.

Q You just heard of that now, is that it?

A Yes.

Q But never while you were in the East?

A No, I did not hear of it then.

Q Then you never spoke to anyone about this?

A No, there was no reason to do so because I did not hear anything of it.

Q A witness said, however, in the main trial under oath that he did talk to you about these questions. Who is telling the truth now?

A Will you please tell me who the witness was and let him speak to me? I don't know what the witness is supposed to have said.

Q The witness Ohlendorff said this.

A No, I did not speak to him about this question and as far as I know he did not say or testify to such a thing.

Q Did you read the record of what Ohlendorff said?

A Yes.

Q Who gave you the record?

A My lawyer for the General Staff.

Q I will read to you what Ohlendorff said: On page 2048 of the English record Ohlendorff answered:

"A I don't remember any such order but while on the march an oral conversation took place between Mannstein, the chief of staff, and myself."

A First of all, this is not what it says in the German record. In thesecond place I was never with Ohlendorff and the Chief of Staff at the same time on the march and in the third place what I did talk about with Ohlendorff was concerned with SD groups, but if this is what it does say in the record, then the record is incorrect.

DR. LATERNSER: The Prosecutor said that the English record would have to be authoritative one and the defense lawyer objected and said if the testimon was given in German the German would be authority, and I am having the German sent for.

DR. KEMPNER: Let's see what the German record says.

H1027-0092

MR. TAYLOR: Of course, the record is presumed to be the original record and translation of the proceedings, and this being cross examination counsel does have a right to cross examine on that question. This is cross examination and whatever it is when your record comes in it should be presented.

BY DR. KEMPNER:

Q You testified previously that you had done everything for the population of Sinferopel as far as the food situation is concerned, is that correct?

A It was not necessary to do much so far as Sinferopel was concerned, the starvation applied to Southern Crimea and we did everything to prevent it.

Q That is in Sinferopel everything was all right?

A That would be saying too much. A large city always suffers when any military steps are taken, and in this case the measures of the Russians to take food stuff away, but there was no starvation and famine in this winter.

Q Was there any Einsatzgruppe of the SD down there?

A As far as the Commander of the Einsatzgruppe is concerned I don't know whether they were down there or not. I do know from Ohlendorff's testimony there were some in Mikolajew, parties of the SD were there.

Q He did not testify anything concerning Sinferopel, did you read anything about that? Was there or was there not?

A I do know that in connection with the anti-partisan combat there were some SD people in the Jaila Mountains employed especially to bring information from the civilian population.

Q Do you know that the army told these Einsatzgruppes they were to liquidatethe population quickly because there were not enough houses and not enough to eat?

A No, and I am sure the testimony did not say this and we needed no room for the high command of the army. That would have been sheer nonsense.

Q And as far as you are concerned Ohlendorff lied for the second time? Yes or no?

A I do not know if any fool made this remark to Ohlendorff, but I am not responsible for what one of three hundred thousand of my men said. It was never in order at any rate.

H1027-0093

Q Then you don't take responsibility for everything that happens in your army group, you believe inletting the small man sink?

A I am not letting down the little man. I know that I as Commander do have to take the responsibility but I cannot take the responsibility for every little thing that some fool said.

Q You admit that there is a possibility that something of that sort was said?

A That could only have beensaid by someone who was insane. There was no housing difficulty in Sinferopel.

Q Then those who liquidated the population behind your back were insane people? Yes or no?

A No, it has been proved that liquidation was actually carried out by the SD.

Q This man says it was done upon the order of the army?

A He did not say that the murder of the Jews was upon the order of the army?

Q I am not speaking of Jews only, you know it very well.

A Of what are you speaking?

Q Of those people in your territory.

A These people were by no means liquidated upon our instructions or order or suggestion. I already said I don't know anything of their having been liquidated.

Q Then Ohlendorff told an untruth also in this case?

A Yes, he was mistaken or was deceived.

H1027-0094

Q. Or you were perhaps mistaken or deceived?

A. I don't believe so, but you can interrogate my chief of staff and my first officers and general staff on this point who is now in Nurnberg.

Q. This morning you testified that such measures were not necessary in the Ukraine. Everything was quite in order and peaceful there.

A. Yes, at the Eastern Ukraine, that was a part of the operational sector.

Q. There were thirty-three thousand Jews liquidated here, what do you know about this?

A. I know nothing about this for they were liquidated at a time which I had not yet arrived there, if they were liquidated at all.

Q. Maybe they are still alive, is that true?

A. Evidently not, I don't know.

Q. Then where were you in September?

A. Of what year?

Q. We are now speaking of September 1941?

A. In September, 1941, I was within a very short distance of the Northern sector of the Crimea.

Q. But the Lugarian was the territory for which you were responsible, is that correct?

A. No, that is not correct, for the entire territory West of Bug was under Roumania and east of the Steppes as far as was occupied, later on was under the command of the first armored division in my sector.

Q. But this morning you testified quite a bit concerning the Ukraine and how quiet and peaceful it was?

A. Yes, that referred to 1942 and 1943 when I was Commander in Chief of the army group South.

Q. Then these people were killed when either Roumania or the first army was responsible, is that correct?

A. No, evidently they were killed when this entire land belonged to the Reich Commissar or to the Roumanians. I cannot know whether any were killed in the operational sectors of other armies. In such a case the Commanders-in-

H1027-0095

chief of these armies would have to be asked.

Q. There were always others, is that correct?

A. Yes, I cannot give any information, but the time I was in there is the time I will admit.

Q. Who was the Reich Commissar of whom you are speaking?

A. Koch.

Q. And he was a murderer?

A. I don't know whether he was a murderer or what part he played in these things as I did not speak to him about these questions.

Q. Why did you never complain about these crimes to Mr. Hitler.

A. How am I to complain about criminals if I do not know that crime had been committed. If I had known of these crimes and had proof you may rest assured I would not have let matters rest as they were, but would have made a point of it.

Q. You have only heard everything here, is that correct?

A. Yes, I learned there things after the war, only here.

Q. Was it a crime when your colleague Schleicher was murdered?

A. That was probably a crime.

Q. Did you tell this to your Fuehrer? Yes or no?

A. No, I was a colonel at that time and had no possibility of such a thing. After Hitler declared Schleicher had to carry on with the French and after I knew all he said I approached Blomberg and tried to do something about it.

Q. Hitler believed he had a mission, is that correct?

A. Yes, that is the absolute impression I had gained of him.

Q. Did you also believe that Hitler had a definite mission?

A. I did believe he was quite an exceptional personality as many abroad also believed and at first I believed he had some sort of mission he was to fulfill.

Q. And the re-union of Austria, belonged to this, is that correct?

A. Yes, of course, after Hitler was in there was the matter of Austria, and there was no doubt he did try to join his country to the Reich and it was the express will of the Austrian people despite the assertions of Renner and

H1027-0096

and Innitzer today.

Q. I am not interested in your personal opinions or concerning the personal opinions of Renner and Innitzer but what concerns me is that Hitler tried to join Austria to Germany and that was a part of Hitler's mission, is that correct? Yes or no?

A. Yes, that fulfilled the wish of the Austrian people.

Q. Are you of the Austrian people? Are you able to speak for the Austrian people? Yes or no?

A. No, but I approved the entry in 1938.

Q. Were you born in Vienna?

A. No.

Q. I am sorry. Were you born in Berlin?

A. Yes.

Q. Hitler also wanted to incorporate Czecho Slovakia into Greater Germany, is th t correct?

A. We did not realize that until the spring of 1938 when he did so. Previously we had not believed it.

Q. That also belonged to the mission in which you believed? Yes or no?

A. Yes, it may be true that belonged to his mission. He never spoke to me concerning the details of his mission.

Q. You took his missions as he carried them out without your knowing of any details, is that correct?

A. No, I did not consider his mission in that light. I already said I considered his mission historical ones to which belonged the union of the German nation and people, and everything later was different.

Q. You just convicted yourself and it is a very serious conviction. You said previously that in 1944 when you had spoken to him you believed in his mission?

A. No, I did not refer to 1944. I meant in general but no means only in 1944.

Q. In general includes, Russia, Norway, Denmark, the Netherlands and Austria and all of the other countries that were attacked?

H1027-0097

A. No, I already said that what I considered his mission was the inner unification of the German nation and to place Germany on an equal basis with other nations. Everything else that came later I did not consider a mission, if one wants to speak of a mission at all.

Q. Then if the other things were not a mission they probably were crimes?

A. As I am allowed only to testify to facts I can give no opinion here.

Q. I want to ask you whether you consider the attacks on Russia, Norway, and so on, were crimes or not?

DR. LATERNSER: I object to the question. The witness is asked in this question to make a legal decision which he is not able to give, and the Tribunal has always rejected such questions because such questions were not admissible.

MR. TAYLOR: I think it is probably asking for an opinion or expression of the witness or his interpretation of the matter, but if he is competent to testify to it or could do so he may, but if he has no opinion he should answer that he could not form a personal opinion.

DR. LATERNSER: If the witness is asked whether he considered an attack on other countries a crime or not then he is asked to give a legal opinion, and the Tribunal has passed judgment on this.

DR. KEMPNER: I would like to know whether this was an attack of a criminal nature.

DR. LATERNSER: If the Prosecution was of the opinion that this was not admissible, the Prosecution would have had the right to object to my question but that does not mean that I forfeit my right to object to the Prosecutor's question.

MR. TAYLOR: I am not quite familiar with the testimony given this morning but this witness represents the General Staff and was at one time Chief of Staff and the cross examination apparently is to obtain from him his views upon the attacks. I think it is proper cross examination if the witness is capable of forming an opinion.

DR. LATERNSER: If the witness is asked to form an opinion on military

H1027-0098

questions, and questions of an expert concerning military matters, then it is a question, of course, which is admissible, but this question asked the witness is to form an opinion as to whether an attack is a crime or not. That is a legal decision.

MR. TAYLOR: Reframe your question and ask him again, please?

BY DR. KEMPNER:

Q. Did you as a military expert consider the attack on Russia, Czecho-Slovakia, France and other nations a crime?

DR. LATERNSER: This is the same question.

H1027-0099

DR. KEMPNER: This witness does not want to answer and it is even more agreeable to me if he does not.

WITNESS: I shall be glad to answer.

BY DR. KEMPNER:

Q. Please proceed.

A. I would have to give a separate answer to every single question, because every question is different.

Q. Make it as short as possible.

A. With one sentence I can answer every question.

Q. Have you a justification for each of these attacks?

A. Yes, a military justification.

Q. A political one too?

A. I am not competent as far as politics is concerned, I am a soldier.

Q. Sure, that is enough. Thank you. Did you believe the news given to yu concerning the alleged assaults or incidents concerning the Poles and Germany?

A. Yes, considering the experiences we had had for many years, and considering the Poles it was not incredible.

Q. You believed that Poland did attack poor weak Germany?

A. No, but that incident had been provoked on the part of Poland. Moreover, as we have proved Poland had assembled troop concentrations for an attack.

Q. You believed that?

A. I did not only believe it, but it was a fact. This is the only reason we were able to encircle two-thirds of the Polish army.

Q. You have studied quite a bit of this material, haven't you, and the Tribunal record?

A. Only those documents that my lawyer sent to me.

Q. Do you know the documents of the German General Staff?

A. I don't know which one's you mean.

Q. I shall tell you, the document of the spring of 1941, in which it says:

H1027-0100

"We must attack Russia, otherwise we shall not be able to last through another winter so far as food is concerned".

A. No, I don't know this document. Would you please show it to me? It is quite new. I don't know it.

Q. How do you bring into accord this opinion with your own opinion if it was an aggressive war, how could these two opinions be brought into accord?

A. I can only express an opinion after I know what is in the document. This one sentence does not suffice.

Q. I have quoted the sentence:

"We must attack Russia, otherwise we shall not be able to last through a third winter of war."

A. I consider this pure nonsense, because we had our supplies from Russia.

Q. You believe this document is just a piece of playing?

A. I cannot pass on it, because I have not seen it, and I am not being shown the document.

Q. Now, something quite different. You said that the military leadership group of Germany knew nothing about the plans Hitler had in mind, is that correct?

A. Yes, so far as I know.

Q. And Germany had not re-armed for aggressive war?

A. No, at any rate, as far as military questers were concerned we did not re-arm for aggressive war, only for equality and security.

Q. Then how can you, as a military expert, account for the fact that, despite this, all fo these countries like Poland, Czechoslovakia, France and Norway and all these other countries, were overrun like they were without anh preparation and without your knowing anything about it?

A. Evidently, because we were superior so far as military matters were concerned.

A. Then you were in expert condition in 1939, so that you could really conquer half the world, is that right?

A. We were in no way ready for such a war, and ti would have been easy for the Western powers even at that time, to overrun us in the West, but we were materially and spiritually in expert condition.

H1027-0101

Q. And later on Hitler lost the war because he interfered too much with the Generals, is that correct?

A. He lost the way in the long run, because he had tried to take it up with the whole world, but he would never have lost it the way he did if he had let the Generals run it themselves.

Q. It would have been better if he had let the Generals dotthese things, is that correct?

A. From a purely military standpoint, yes, probably.

Q. You have never said you wanted to remove Hitler, is that correct?

A. No.

Q. Did any of the gentlemen on the 20th of June speak to you?

A. I learned of this onlh later, and as far as the connection is concerned, to the question you just asked, in 1942 and 1943, Colonel Beck wrote me a long letter in which he expressed his opinion concerning military

H1027-0102

questions and he expressed the ghought that the war might be lost and that in that case we would have to pay the bill, that would be asked by the Victors, and the Generals should be clear on this point and realize this. I answered his letter and told him, of course, and in each and all of the letters of the Colonel Beck this was very apparent and I told him a war is only lost after it had been given up and that one threatening defeat such asStalingrad was no reason why the war should be considered lost.

Q You just wanted to remove Hitler as a military leader and not as a political leader, is thatcorrect?

A I did not want his removal at all. I only wanted to be certain that Hitler would securefor himself a sensible chief of general staff and that he would have one who wouldlisted over his own commands as Fuehrer, but this was not longer possible.

Q You wanted Hitler to remain in power and have only a sensible Chief of General Staff?

A In my opinion, if Hitler as a person had disappeared from the scene it would have meant the downfall and civil war in Germany.

Q But the fact that you might have saved the lives of some millions of people and bombing of cities did not play a role in this picture for a minute?

A That question was not acute at all at that time. The question was whether we should give up in unconditional surrender and thatwould have meant an unforeseen future which we did not want for theGerman people.

Q You preferred whathas happened now?

A I did not prefer this at all. I hoped on the contrary for finding a very peaceful solution of peace. Aside from this the Russian Marshalls in 1941 were probably in the same conditions as we were in 1942 and 1943.

Q We can judge that now from theresults. Thank you, that is all.

MR. TAYLOR: Do you want to present the documents you have there, Dr. Latemnser?

DR. LATERNSER: I am very grateful that the Prosecutor has brought myattention to a mistake in translation. Ohlendorff testified in the German language and this is the original testimony: The witness testified to the question of Professor Exner who asked:

H1027-0103

"Q Who gave you instructions for the march?

"A Instructions for the march were as a rule given by the chief of staff.

"Q At the time of thelast question the Army Commander in Chief was at the time we are now speaking of Von Mannstein. Did you receive any orders in this matter signed by Von Mannstein?

"A I do not remembera ny such order but on theoccasion of the discussion concerning the march an oral conversation took place between myself and the Chief of Staff. I do not remember any such order but on the occasion of the discuss ion concerning the march an oral conversation took place between the Chief of Staff and myself."

The English translation of this answer is as follows: And I quote from page 2048 of the English record:

"A I cannot remember any such order but on the march there were discussions with Von Mannstein, the chief of staff and myself.", and showing these two texts proves that the English translation of the record of the original German is incorrect.

MR. TAYLOR: The reason I wanted it in the record was to correct it so that you would have an opportunity to present it, but so far as a ruling or opinion is concerned that is made by the Tribunal and not by the Commission.

DR. LATERNSER: I shall make application to this effect to the Tribunal concerning this translation.

DR. KEMPNER: Our point of view is that the sentence as heard by the translator, by the German-English translator, has been written down correctly, because thetranslator has heard Von Mannstein. However, it might be that the German Reporter missed the word "Von Mannstein".

MR. TAYLOR: Of course, the record will speak for itself, and this is the reason I want it.

DR. LATERNSER: I shall handle the application.

MR. TAYLOR: Are you through with this witness?

DR. LATERNSER: There are no further questions I want to ask of this witness.

(A short recess was taken at this time).

The foregoing is a true and correct transcript of the testimony of General ERICH VON MANNSTEIN, taken on 4 July 1946.

Mabel A. Lesser
Reporter

Alice Meehan
Reporter

Rose W. Cook
Reporter

CERTIFIED TO:

H. RASUMOV
Commissioner